DEBATES IN CONGRESS

ON

THE SUBJECT OF SLAVERY.

PROTECTION OF PROPERTY IN THE DISTRICT OF COLUMBIA.

FROM HOUSTON'S SENATE DEBATES.

THURSDAY, APRIL 20, 1848.

Agreeably to notice, Mr. HALE asked leave to introduce a bill relating to riots and unlawful assemblies in the District of Columbia.

Mr. HALE. I wish to make a single remark, in order to call the attention of the Senate to the necessity of adopting the legislation proposed by this bill. The bill itself is nearly an abstract of a similar law now in force in the adjoining State of Maryland, and also in many other States of the Union. The necessity for the passage of the bill will be apparent to the Senate, from facts which are probably notorious to every member of the body. Within the present week, large and riotous assemblages of people have taken place in this District, and have not only threatened to carry into execution schemes utterly subversive to all law, with respect to the rights of property, but have actually carried these threats into execution, after having been addressed, upheld, and countenanced, by men of station in society, whose character might have led us to suppose that they would have taken a different course, and given wiser counsels to those whom they addressed. It seems to me, then, that we have approached a time when the decision is to be made in this Capitol, whether mob law or constitutional law is to reign paramount. The bill which I now propose to introduce simply makes any city, town, or incorporated place, within the District, liable for all injuries done to property by riotous or tumultuous assemblages. Whether any further legislation on the part of Congress will be necessary, time will determine. But I may be permitted to say, that at the present moment we present a singular spectacle to the People of this country and to the world. The notes of congratulation which this Senate sent across the Atlantic to the People of France, on their deliverance from thraldom, have hardly ceased, when the supremacy of mob law, and the destruction of the freedom of the press, are threatened in the capital of this Union. Without further remark, I move that this bill be referred to the Committee on the Judiciary.

Mr. BAGBY. I rise for the purpose of giving notice, that whenever that bill shall be reported by the committee—if it ever should be—I shall propose to amend it by a section providing a sufficient penalty for the crime of kidnapping in this District. I was struck by a remark made by the Senator from New Hampshire He adverts to the rejoicing of the People of this country at the events now in progress in Europe, and thence infers that the slaves of this country are to be permitted to cut the throats of their masters. I shall certainly, sir, attend to this subject.

Mr. HALE. To avoid misapprehension, I purposely abstained from saying a word in regard to anything that might even be supposed to lie beyond the case, which it is the object of this bill to meet. I did not make the most distant allusion to slavery. I refrained from it purposely, because I wanted to present to the consideration of the Senate the simple question of the integrity of the law and the rights of property, unembarrassed by considerations of the character alluded to by the honorable Senator from Alabama. I shall cordially unite with that honorable Senator in favor of a law against kidnapping; because, if I am correctly informed by individuals upon whose testimony I place the most implicit credit, one of the most outrageous cases of kidnapping was committed within sight of this Capitol, no longer ago than yesterday, and that, too, in the case of an individual having in his pocket an injunction issued by the highest judicial authority in this District, the Chief Judge of the Circuit Court, restraining all persons from molesting him. Yet, in violation of this injunction, he was forcibly seized, not only without law, but against law—not only in utter neglect, but in flagrant contempt, of the most sacred guaranty of the Constitution. This outrage was perpetrated within the limits of the city, in the very neighborhood of this Capitol. I will go, then, with the Senator from Alabama heart and hand in the adoption of any legislation for the prevention of such outrages; but I must say that that is very foreign to the object of the bill which I have introduced.

Mr. BENTON. There is some very pressing business awaiting the action of the Senate, and I do not know that the remarks which have been made are applicable to any motion pending at present. May I ask if there be any question pending?

The PRESIDING OFFICER. The question is, "Shall the Senator from New Hampshire have leave to introduce his bill?"

Mr. CALHOUN. What is the bill?

The PRESIDING OFFICER. The bill will be read.

The SECRETARY then read the bill, which is as follows:

Hugh A. Blanchard, Printers.

Price, 16 pages for one cent.

"A bill relating to riots and unlawful assemblies in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, if any county or incorporated town or city of the District of Columbia, any church, chapel, convent or other house, used, occupied, or intended for religious worship; any dwelling house, any house or building used or designed, by any person or body politic or corporation, as a place for the transaction of business or deposit of property; any ship or vessel, ship yard or lumber yard, any barn, stable, or other out-house, or any articles of personal property, shall be injured or destroyed, or if any property shall be taken therefrom shall be taken away, injured, or destroyed, by any riotous or tumultuous assemblage of people, the full amount of the damage so done shall be recovered by the sufferer or sufferers, by suit at law against the county, town, or city, within whose jurisdiction such riot or tumultuous assemblage occurred.

SEC. 2. *And be it further enacted*, That in any suit instituted under this act, the plaintiff or plaintiffs may declare generally, and give the special matter in evidence.

Mr. CALHOUN. I suppose no Senator can mistake the object of this bill, and the occurrence which has led to its introduction. Now, sir, I am amazed that even the Senator from New Hampshire should have so little regard for the laws and the Constitution of the country, as to introduce such a bill as this, without including in it the enactment of the severest penalties against the atrocious act which has occasioned this excitement. Sir, gentlemen, it would seem, have at last come to believe that the Southern People and Southern members have lost all sensibility or feeling upon this subject. I know to what this leads. I have known for a dozen of years to what all this is tending. When this subject was first agitated, I said to my friends, there is but one question that can destroy this Union and our institutions, and that is, this very slave question; for I choose to speak of it directly. I said, farther, that the only way by which such a result could be prevented, was by prompt and efficient action—that if the thing were permitted to go on, and the Constitution to be trampled on—that if it were allowed to proceed to a certain point, it would be beyond the power of any man or any combination of men to prevent the result. We are approaching that crisis, and evidence of it is presented by the fact, that such a bill, upon such an occurrence, should be brought in, to prevent the just indignation of our people from wreaking their vengeance upon the atrocious perpetrators of these crimes, or those who contribute to them, without a denunciation of the cause that excited that indignation. I cannot but trust that I do not stand alone in these views.

I have for so many years raised my voice upon this subject, that I have been considered almost the exclusive defender of this great institution of the South, upon which not only its prosperity, but its very existence, depends. I had hoped that younger members who have come into this body, who represent portions of the country at least as much interested as that from which I come, might have taken the lead, and relieved me from the necessity of ever again speaking upon this subject. I trust we will grant no leave to introduce this bill—that we will reject it, and that if anything be referred to the Committee on the Judiciary, it will be to make penal enactments to prevent these atrocities—these piratical attempts on our own rivers—these wholesale captures—these robberies of seventy odd of our slaves at a single grasp. Delay is dangerous on this question. The crisis has come, and we must meet it, and meet it directly—and I will add, we have ample mean to meet it. We can put the issue to the [illegible] if they disregard the provisions of the Constitution in our favor—if their sea-going vessels can safely come into our ports, we can protect them from coming there at all, and thus raise the issue at once. If the stipulations in the Constitution in our favor are not to be respected, should we respect those in favor of others? I am not intend to make a long speech on this occasion; but I would have felt myself to be lacking in duty to the people of this District, to the people of the South, and to the people of the United States, had I not raised my voice against the introduction of such a bill on such an occasion.

Mr. WESTCOTT. I am not going to make a speech on this bill, for the simple reason that I intend, after a few observations, to move to lay this motion for leave to introduce the bill upon the table, to stop debate, and ask for the yeas and nays.

Mr. CALHOUN. The bill is not yet introduced.

Mr. WESTCOTT. The Senator from New Hampshire asks leave to introduce the bill, and I move to lay it upon the table.

Mr. CALHOUN. Better reject it. I trust we will meet it directly, and reject it.

Mr. WESTCOTT. I did not understand the honorable Senator from South Carolina; but, now that I do, I am perfectly willing to adopt his suggestion.

Mr. CALHOUN. I would greatly prefer to have the motion directly, and reject it.

Mr. WESTCOTT. I have no objection to that, and had taken but another mode of attaining the object. In answer to the suggestion of the honorable Senator from South Carolina, that it was the duty of other Senators, representing the South, to speak on this matter, I will state only why I could not do so. I could not express my own feelings when I heard the Senator from New Hampshire introduce this bill. Sir, there has been no outbreak, no violence, in this District. There has been no disturbance, except on the part of a set of men who, it seems, have come into this District for the purpose of assailing slavery, and in the peaceable enjoyment of their property, secured to them by the Constitution, which we are all sworn to support. There has been public indignation manifested by an assemblage of those who have been thus wronged; but has there been any violence as yet?—any destruction of property? No. It may be wondered that there has not been. And, when the Senator from New Hampshire proclaims that there is danger of this, I rely upon him for his testimony in relation to this matter. Where does he get the evidence that any portion of the property of citizens of this District is to be burned down or destroyed? I was present last night, as a spectator, at a large assemblage of citizens of this District. I heard law officers of this District and other gentlemen speak on the occasion, but I heard nothing by any means so incendiary as I have heard since the honorable Senator from New Hampshire took his seat upon this floor. It is true, indignation was expressed, but leading citizens of this District, and slaveholders, declared that they were averse to any act of overt violence; indeed, this assemblage, which has been called a tumultuous mob, peaceably appointed a committee of fifty citizens to wait on the editor, and request him to remove what they supposed to be an incendiary publication, which had provoked this excitement. I have only

to say, sir, that I readily yield to the suggestion of the honorable Senator from South Carolina.

Mr. DAVIS, of Mississippi. The Senator from South Carolina has remarked that he expected that younger members of this body would notice the motion of the Senator from New Hampshire to introduce a bill the purpose of which is the protection of incendiaries and kidnappers. I have only to say, that it is from no want of accordance in feeling with that honorable Senator, but from deference to him who has so long and so nobly stood forward in the defence of the institutions of the South, that I remain silent. It was rather that I wish to follow him, than that I did not feel the indignation which he has so well expressed. The time has come when, if this District is to be made the theatre of such contests, Congress should interpose the legislation necessary for the punishment of those men who come within our jurisdiction, acting in fact and in morals as incendiaries—coming here to steal a portion of that property which is recognised as such by the Constitution of the United States. Why is it that in this body—once looked to as the conservative branch of the Government, once looked to as so dignified that it stood above the power of faction—we find the subject of this contest so insulting to the South—so insulting always when it is agitated—introduced on such an occasion? Is this debatable ground? No! It is ground upon which the People of this Union may shed blood, and that is the final result. If it be pressed any farther, and if this Senate is to be made the theatre of that contest, let it come—the sooner the better. We who represent the Southern States are not here to be insulted on account of this institution which we inherit. And if civil discord is to be thrown from this chamber upon the land, let it germinate here; and I am ready, for one, to meet it with any incendiary, who, dead to every feeling of patriotism, attempts here to introduce it.

Mr. FOOTE. On the 4th of March, 1837, the American People of all parties assembled at this Capitol for the purpose of witnessing the inauguration of a President of the United States. That President was a Northern man. I had the honor of listening to his inaugural speech, and in it he wisely and patriotically asserted a principle of which I approved at the time, which I still admire, and which has a close affinity to the question so suddenly presented to this body. Martin Van Buren dared to declare, in his inaugural speech, that though it was his opinion—and it certainly is not mine—that Congress has the power to abolish slavery in the District of Columbia, yet he conceived that the act could not be done without the most odious and unpardonable breach of faith towards the slave States of the Confederacy, and especially Maryland and Virginia. This declaration, not altogether unexpected, gave temporary quiet and satisfaction to the South. I had thought, until recently, that there were very few men in the Republic, claiming anything like a prominent standing among their fellow-citizens, who entertained a different opinion from that thus expressed, or who, if entertaining it, would undertake to express it in the National Councils of this Republic. But the Abolition movement has not been quite so successful as some desired it to be, and now we see plain indications that individuals—for I cannot conscientiously call them gentlemen—asserting themselves to be champions of freedom—have resolved to carry into execution a scheme—an attempt to remove by any means whatever all the slaves now within this District, so that those who have been in the habit of retaining slaves in their possession will be discouraged from bringing others here; and that citizens who may hereafter settle here will of course, on the principle of obvious pecuniary policy, decline bringing such property with them; and that, then, in this covert and insidious manner, the abolition of slavery in the District of Columbia may be accomplished.

The attempt to legislate directly upon this subject in the national councils is at war with the Constitution, repugnant to all principles of good faith, and violative of all sentiments of patriotism. With whomsoever it originates, this movement, made directly or indirectly, within Congress or out of it, which has been so justly denounced by my colleague, is simply a nefarious attempt to commit grand larceny upon the owners of slaves in this District. I undertake to say that there is not a man who has given his countenance to this transaction, in any shape, who is not capable of committing grand larceny, or, if he happened to be a hero, as such men are not, of perpetrating highway robbery on any of the roads of this Union. He is not a gentleman. He would not be countenanced by any respectable person anywhere. He is amenable to the law. I go farther, and I dare say my sentiments will meet the approbation of many even who do not live in slave States, and I maintain, that when the arm of the law is too short to reach such a criminal, he may be justly punished by a sovereignty not known to the law. Such proceedings have taken place, and there are circumstances which not only instigate, but justify such acts. I am informed, upon evidence on which I rely, that this very movement out of which the bill originates has been instigated and sanctioned by persons in high station. It is even rumored, and it is believed by many—I am sorry, for the honor of this body, to say so—that a Senator of the United States is concerned in the movement. Certain it is, that a member of another body, not far distant, meeting in a certain hall, was yesterday morning engaged in certain reprehensible contrivances; and that, but for his abject flight from the place of his infamous intrigues, he would have been justly punished—not by the mob, but by high-spirited citizens convened for the purpose of vindicating their rights, thus unjustly assailed.

Why is it that this question is continually agitated in the Senate of the United States—that it is kept here as the subject of perpetual discussion. Is it simply that gentlemen wish to be popular at home? I suppose so. Is it because of their peculiar sympathies for that portion of the population which constitutes slavery, as recognised in the South? What is the motive? Is the object to attain popularity? Is it to gain high station? Is it to keep up a local excitement in some portions of the North, with the view of obtaining political elevation as the reward of such factious conduct? But I care not for the motives of such acts. I undertake to say, that in no country where the principles of honesty are respected, would such a movement as that now attempted be promoted, or even countenanced for a moment. I feel bound on this occasion to say, that the bill proposed could

not have any good object. What does it decl. ? It declares that any attempt on the part of the people of this District, though the only means which they may have in their power to protect their property, and prevent it from being taken from them either by stealth or open robbery, shall subject them to be mulcted in heavy pecuniary damages! It amounts, then, to this: that if hereafter any occurrence similar to that which has recently disgraced the District should happen, and the good people of the District should assemble, and proceed to the vessel in which their property had been placed, and the captain of which had become the agent in the nefarious transaction, and should then and there dare to use the only means to prevent that vessel from sailing, and their property from being taken away before their eyes, they would be compelled to pay heavy pecuniary damages. It is a bill, then, obviously intended to cover and protect negro stealing. It is a bill for the encouragement and immunity of robbery! That is its true character; and whatever opinion the gentleman's own self-sufficiency may induce him to entertain of his own conduct on this occasion, I only tell him now the judgment which every honest man will pronounce upon it. If the object of the Senator was as I have described it, and, as is apparent on the face of the bill, he is as guilty as if he had committed highway robbery. I regret that I am obliged to use harsh terms, but they are true. The Senator from South Carolina asserted, with great truth, that the time had come when the South should not only let her voice be heard, but disclose to all her enemies that she not only knows her rights, but, knowing, dares maintain them—maintain them by all constitutional means, by all legal expedients—if necessary, by bloodshed. The Senator from New Hampshire is evidently attempting to get up a sort of civil war in the country, and is evidently filled with the spirit of insurrection and incendiarism. He may bring about a result which will end in the spilling of human blood. I say to him, however, let him come forward boldly, and take the proper responsibility. Let him say, "Now I am ready to do battle in behalf of the liberties of my friends the blacks, the slaves of the District of Columbia." Let him buckle on his armor, let him unsheath his sword, and at once commence the contest, and I have no doubt he will have a fair opportunity of shedding his blood in this holy cause on the sacred soil of the District of Columbia. If he is really in earnest, he is bound, as a conscientious man, to pursue his course, which cannot be persevered in without all those awful scenes of bloodshed and desolation long anticipated by good men in every part of this Republic. When, I ask, was it that Southern men ever undertook to invade the quiet and happiness of the North? I hope I may be pardoned in making this suggestion. I do not wish to institute any invidious comparisons. I thank Heaven I have an abiding confidence in the good sense, the virtuous patriotism, and regard for the rights of property of my Northern brethren; and I believe that there are many of them, of both parties, who are perfectly sound upon this question, and who will condemn the act of this morning. The South has been forbearing. She has exercised more than complaisance—more than forbearance. But when, I ask, has any Southern man, occupying a seat in either House of Congress, attempted to interfere with any local interests in the North?

All must see that the course of the Senator from New Hampshire is calculated to embroil the Confederacy—to put in peril our free institutions—to jeopard that Union which our forefathers established, and which every pure patriot throughout the country desires shall be perpetuated. Can any man be a patriot who pursues such a course? Is he an enlightened friend of freedom, or even a judicious friend of those with whom he affects to sympathize, who adopts such a course? Who does not know that such men are practically the worst enemies of the slaves? I do not beseech the gentleman to stop; but if he perseveres, he will awaken indignation everywhere; and it cannot be that enlightened men, who conscientiously belong to the faction at the North of which he is understood to be the head, can sanction or approve everything that he may do, under the influence of excitement, in this body. I will close by saying, that if he really wishes glory, and to be regarded as the great liberator of the blacks—if he wishes to be particularly distinguished in this cause of emancipation, as it is called, let him, instead of remaining here in the Senate of the United States, or instead of secreting himself in some dark corner of New Hampshire, where he may possibly escape the just indignation of good men throughout this Republic—let him visit the good State of Mississippi, in which I have the honor to reside, and no doubt he will be received with such hosannas and shouts of joy as have rarely marked the reception of any individual in this day and generation. I invite him there, and will tell him beforehand, in all honesty, that he could not go ten miles into the interior before he would grace one of the tallest trees of the forest, with a rope around his neck, with the approbation of every virtuous and patriotic citizen; and that, if necessary, I should myself assist in the operation.

Mr. HALE. I beg the indulgence of the Senate for a few moments. Though I did not exactly anticipate this discussion, yet I do not regret it. Before I proceed further, as the honorable Senator from Mississippi has said that it has been asserted, and he thinks on good authority, that a Senator of the United States connived at this kidnapping of slaves, I ask him if he refers to me?

Mr. FOOTE. I did.

Mr. HALE. I take occasion, then, to say that the statement that I have given the slightest countenance to the procedure is entirely without the least foundation in truth. I have had nothing to do with the occurrence, directly or indirectly, and I demand of the honorable Senator to state the ground upon which he has made his allegation.

Mr. FOOTE. It has been stated to me, and I certainly believed it, and, believing it, I denounced it. I did not make the charge directly. My remarks were hypothetical. I am glad to hear the Senator say that he has had no connection with the movement; but, whether he had or not, some of his brethren in the great cause in which he was engaged no doubt had much to do with it.

Mr. HALE. The sneer of the gentleman does not affect me. I recognise every member of the human family as a brother; and if it was done by human beings, it was done by my brethren. Once for all, I utterly deny, either by counsel, by silence, or by speech, or in any way or manner, having any knowledge, cognizance, or suspicion of what was done or might be done, until I heard of this occurrence as other Senators have heard of

it. And I challenge any one who entertains a different opinion to the proof, here, now, and forever. I go farther than that. I never have counselled, advised, or aided in any way, and, with my present impressions, I never shall counsel, advise, or aid in any way, any encroachment upon the Constitution, in any of its provisions or compromises. If the Constitution be not broad enough for the protection that I claim, I will go without it. I trust that on this subject I have been sufficiently understood. I deny in general and particular, not only cognizance, but all knowledge of any such movements.

Whilst I am up, let me call the attention of the Senate to the case of a man whom I am proud here and elsewhere to call my friend—the editor of the "National Era." This gentleman, in a card published in the "National Intelligencer" of this day, declares—

"A rumor having been circulated that the office of the *National Era* was concerned directly or indirectly, in the recent attempt of a number of slaves to escape on the schooner Pearl, it is due to the respectable citizens of this place, and to myself, to give a plain, full, unequivocal denial to the report. While determined to yield no right to menace or violence—a concession which no true-hearted American will be ungenerous enough to demand—I feel it to be my duty to do all I can to remove a serious misapprehension, calculated to provoke unpleasant excitement."

The position which he has taken is thus laid down in the first number of his paper, and he republishes it in his card:

"'Believing that the extinction of slavery can be effected in accordance with the Constitution and Law, and that this is the better way, no system of unconstitutional or illegal measures will find in us a supporter. We cannot work with contraband means. Whenever convinced that such measures as the laws sanction, or do not prohibit, are insufficient for the accomplishment of the great object we aim at, we shall frankly say so. The magnitude of the cause in which we are engaged, justice to our fellow-citizens of the South, and sound policy, demand that no movement be made in relation to this important question, except with the utmost openness, frankness, and fair dealing.'

"The declaration I then made embodied the principles on which I had always uniformly acted in relation to slavery; and in not a single instance have I, or any one in my office, so far as my knowledge extends, violated it. I cannot consistently with my views of what honesty and fair dealing dictate, to say nothing of sound policy, engage, or in any way, directly or indirectly, take part in any movement which would involve the necessity of strategy or trickery of any kind.

"My paper has been published sixteen months in this city. Its columns are open to inspection. Those who have taken the trouble to read it will testify that I have counselled no measures repugnant to the foregoing; that I have abstained from invective and denunciation, and addressed myself to the reason, the conscience, the patriotism, and sense of honor of the slaveholders, many of them being near relatives and personal friends. Not one of my numerous exchanges in the South, however opposed to my views, has at any time imputed to me ill-temper or a clandestine policy.

"With this plain exposition of my course, it is hardly necessary for me to say, that, in the recent transaction which has excited so much feeling, neither myself nor any person connected with me had any share whatever; that the transaction in fact became known to me only through general report.

"I write this to disabuse the public mind, so that those who do not personally know me may not be imposed upon by any misapprehension of my position. Certainly, I feel a great repugnance to being assailed for what I have never done or dreamed of; but, if illegal violence be inflicted upon me for writing and printing freely about slavery, or any other subject which it may suit an American citizen to discuss, then will I suffer cheerfully, in the confident hope that when passion and prejudice shall have been dispelled, justice will be done to my character. But I will not suppose that they who are rejoicing in the enfranchisement of the Press in Paris, will themselves put fetters upon the Press in Washington."

Mr. CALHOUN (in his seat.) Does he make any denunciation of the robbery?

Mr. HALE. He had quite enough to do in defending himself, and it was no part of his duty to denounce others.

Mr. CALHOUN (in his seat.) I understand that.

Mr. HALE. I appeal to the sense of justice of the Senate, and ask what justification there can be for assailing the character and property of a man who knew no more of this occurrence than any of its members? I appeal to the honorable Senator who spoke so eloquently of the high and chivalric ideas of right which are entertained in his section of the country——

Mr. FOOTE. I ask the Senator, and beg to remind him that twenty millions of people are listening to his answer, in the circumstances of the case, evidently known to him, does he suppose that this occurrence could have taken place without extensive countenance and aid from men of standing in this District, whether members of Congress or others?

Mr. HALE. I have no doubt that those persons could not have got away without some aid. It is enough that I have disclaimed all knowledge of it. I thought, that when the honorable Senator was speaking, more than twenty millions of people were listening. He invites me to visit the State of Mississippi, and kindly informs me that he would be one of those who would act the assassin, and put an end to my career. He would aid in bringing me to public execution—no, death by a mob. Well, in return for his hospitable invitation, I can only express the desire that he would penetrate into some of the "dark corners" of New Hampshire; and if he do, I am much mistaken if he would not find that the people in that "benighted" region would be very happy to listen to his arguments, and engage in an intellectual conflict with him, in which the truth might be elicited. I think, however, that the announcement which the honorable Senator has made on this floor, of the fate which awaits so humble an individual as myself in the State of Mississippi, must convince every one of the propriety of the high eulogium which he pronounced upon her the other day, when he spoke of the high position which she occupied among the States of this confederacy. But enough of this personal matter.

I think, if I did not misunderstand the honorable Senator from South Carolina, that he is surprised at the temerity of the Senator from New Hampshire in introducing this bill. Let me ask, what is this bill? What is this incendiary bill that has elicited such a torrent of invective? Has it been manufactured by some "fanatical Abolitionist?" Why, it is copied, almost word for word, from a law on the statute-book which has been in operation for years in the neighboring State of Maryland. It has no allusion, directly or indirectly, to the subject of Slavery. Yet I am accused of throwing it in as a firebrand, and in order to make war upon the institutions of the South. How? In God's name, is it come to this, that in the American Senate, and in the year of grace one thousand eight hundred and forty-eight, the rights of property cannot be named, but the advocates of Slavery are in arms, and exclaim that war is made upon their institutions, because it is attempted to cast the protection of the law around the property of an American citizen, who appeals to an American Senate! It has long been held by you that your peculiar institution is incompatible with the right of speech; but if it be also incom-

patible with the safeguards of the Constitution being thrown around property of American citizens, let the country know it! If that is to be the principle of your action, let it be proclaimed throughout the length and breadth of the land, that there is an institution so omnipotent—so almighty—that even the sacred rights of life and property must bow down before it!

Do not let it be said that that I have introduced this subject. I have simply asked that the plainest provisions of the common law—the clearest dictates of justice—shall be extended and exercised for the protection of the property of citizens of this District; and yet the honorable Senator from South Carolina is shocked at my temerity!

Mr. BUTLER. Allow me to ask one question with perfect good temper. The Senator is discussing the subject with some feeling; but I ask him whether he would vote for a bill, properly drawn, inflicting punishment on persons inveigling slaves from the District of Columbia?

Mr. HALE. Certainly not—and why? Because I do not believe that slavery should exist here.

Mr. CALHOUN (in his seat.) He wishes to arm the robbers, and disarm the people of the District.

Mr. HALE. The honorable Senator is alarmed at my temerity——

Mr. CALHOUN (in his seat.) I did not use the word, but did not think it worth while to correct the Senator.

Mr. HALE. The Senator did not use that term?

Mr. CALHOUN. No. I said brazen, or something like that.

Mr. HALE. The meaning was the same. It was brazen, then! that I should introduce a bill for the protection of property in this District—a bill perfectly harmless, but which he has construed into an attack upon the institutions of the South. I ask the Senator and the country wherein consists the temerity? I suppose it consists in the section of country from which it comes. He says that we seem to think that the South has lost all feeling. Ah! There is the temerity. The bill comes from the wrong side of a certain parallel! Why, did the honorable Senator from South Carolina imagine that we of the North, with our faces bowed down to the earth, and with our backs to the sun, had received the lash so long that we dared not look up? Did he suppose that we dared not ask that the protection of the law should be thrown around property in the District, to which we come to legislate?

I desire no war upon the institution of Slavery, in the sense in which the Senator understands the term. I will never be a party to any encroachments upon rights guarantied by the Constitution and the law—not at all. I wish no war but a war of reason—of persuasion—of argument; a war that should look to convincing the understanding, subduing the affections, and moving the sympathies of the heart. That is the only war in which I would engage. But it is said that the time has come—that the crisis has come, and that the South must meet it. In all candor and honesty, then, let me say, that there could not be a better platform on which to meet this question, than that presented by the principles of this bill. There could not be a better occasion than this to appeal to the country. Let the tocsin sound. Let the word go forth. Let the free North be told that their craven representatives on the floor of the Senate are not at liberty even to claim the protection of the rights of property! The right of speech was sacrificed long ago. But now it is to be proclaimed, that we cannot even introduce a bill looking to the execution of the plainest provisions of the Constitution, and the clearest principles of justice, for the protection of personal rights, because gentlemen choose to construe it into an attack upon that particular institution!

I ask again, what is it that has produced this strife, called up these denunciations, excited all this invective which has been poured upon me, as if I was guilty of all the crimes in the decalogue? I call upon the Senate and the country to take notice of it. I ask on what do gentlemen of the South rely for the protection of any institutions on which they place any value? It will be answered, upon the Constitution and the law. Well, then, if the safeguards of the Constitution are rendered inadequate to the protection of one species of property, how can it be supposed that there will be protection for any? It is because I desire to maintain in all their strength and utility the safeguards of the Constitution, that I have introduced this bill for the protection of property in this District. And here let me tell the Senator from Alabama, that he will have my full cooperation in any measure to prevent kidnapping. I shall expect him to redeem his pledge. Again: I am shocked to hear the honorable Senator from South Carolina denounce this bill as a measure calculated to repress those citizens from the expression of their just indignation.

Mr. CALHOUN. If the Senator will allow me, I will explain. I said no such thing. But I will take this occasion to say, that I would just as soon argue with a maniac from Bedlam as with the Senator from New Hampshire, on this subject.

SEVERAL SENATORS. Order! Order!

Mr. CALHOUN. I do not intend to correct his statements. A man who says that the people of this District have no right in their slaves, and that it is no robbery to take their property from them, is not entitled to be regarded as in possession of his reason.

Mr. HALE. It is an extremely novel mode of terminating a controversy, by charitably throwing the mantle of maniacal irresponsibility over one's antagonist! But the honorable Senator puts words into my mouth which I never used. I did not say that the owners had no property in their slaves. I said that the institution exists, but I have not given any opinion upon the point to which the Senator has alluded. I have never said anything from which the sentiment which he imputes to me could be inferred. It does not become me, I know, to measure arms with the honorable Senator from South Carolina, more particularly since he has been so magnanimous as to give notice that he will not condescend to argue with me. But there is more than one man in this country, who has, whether justly or unjustly, long since arrived at the conclusion, that if I am a maniac on the subject of slavery, I am not a monomaniac, for I am not alone in my madness. But, sir, I am not responsible here or elsewhere for the excitement that has followed the introduction of this subject. I intended simply to give notice of a bill calculated to meet the exigency. The honorable Senator from Florida calls upon me for proof of the necessity of this legislation, and says that no violence has been

committed in this District. I do not know what he calls violence.

Mr. WESTCOTT. There has been no violence except the running away with some negroes.

Mr. HALE. Well, I believe that some hundreds of individuals assembled in front of a printing office in this city, and assailed the building with missiles, obliging the persons engaged in their usual employment to abandon their legal occupation. If that does not come up to thegentleman's definition of violence, I do not know what does. I was desirous of introducing this subject, without an appeal to any matters which might be supposed to lie behind. I believe that these matters have nothing to do with the subject under consideration. But other gentlemen have chosen to give this subject a different direction. Now, in the bill which I have had the honor to introduce, the provisions are almost identical with the law which has been in existence in many of the States, and is now on the statute book of Maryland. To its enactment here exception has been taken, and I am quite willing that the country should know the grounds on which opposition is made. If the subject be painful, it has not been made so by me. As to the threats which have been made, of bloodshed and assassination, I can only say that there have been sacrifices already, and there may be other victims, until the minds of all shall be awakened to the conviction, that the Constitution was made as well for the preservation of the freedom of discussion, as for the protection of the slave owner.

Mr. WESTCOTT. I should like to know of the Senator from New Hampshire, if he can say that any non-slaveholding State in this Union has passed a law by which, in case of the abduction of a slave by an Abolition mob, the county or town is to be made responsible for the act?

Mr. HALE. I do not know, sir.

Mr. WESTCOTT. It is time enough, then, when such a law is passed to protect the property of slave owners, to talk of a law to indemnify for the destruction of property of Abolition incendiaries.

Mr. FOOTE. The Senator seems to suppose that I wish to decoy him to the State of Mississippi. I have atttempted no such thing. I have thought of no such thing. I have openly challenged him to present himself there or anywhere, uttering such language and creating such an incendiary spirit as he has manifested in this body, and I have said that just punishment would be inflicted upon him for his enormous criminality. I have said, farther, that, if necessary, I would aid in the infliction of the punishment. My opinion is, that enlightened men would sanction that punishment. But, says the Senator, that would be assassination! I think not. I am sure that the Senator is an enemy to the Constitution of his country—an enemy of one of the institutions of his country, which is solemnly guaranteed by the organic law of the land—and in so far, he is a lawless person. I am sure, if he would go to the State of Mississippi, or any other slave State of this Confederacy, and utter such language, he would justly be regarded as an incendiary in heart and in fact, and, as such, guilty of the attempt to involve the South in bloodshed, violence, and desolation; and if the arm of the law happened to be too short, or the spirit of the law to be slumberous, I have declared that the duty of the people whose rights were thus put in danger would be, to inflict summary punishment upon the offender. But, says the Senator, victims have been made, and there are other victims ready. I am sure that he could not persuade me that he would ever be a victim. I have never deplored the death of such victims, and I never shall deplore it. Such officious intermeddling deserves its fate. I believe no good man, who is not a maniac, as the Senator from New Hampshire is apprehended to be, can have any sympathy for those who lawlessly interfere with the rights of others. He, however, will never be a victim! He is one of those gusty declaimers—a windy speaker—a ——

Mr. CRITTENDEN. If the gentleman will allow me, I rise to a question of order. Gentlemen have evidently become excited, and I hear on all sides language that is not becoming. I call the gentleman to order for his personal reference to the Senator from New Hampshire.

Mr. FOOTE. I only said, in reply to the remarks of the Senator from New Hampshire——

Mr. CRITTENDEN. I did not hear what the Senator from New Hampshire said, but the allusion of the gentleman from Mississippi I consider to be contrary to the rules of the Senate.

Mr. FOOTE. I am aware of that. But such a scene has never occurred in the Senate—such a deadly assailment of the rights of the country.

Mr. JOHNSON, of Maryland. Has the Chair decided?

Mr. FOOTE. Let my words be taken down.

The PRESIDING OFFICER. In the opinion of the Chair, the gentleman from Mississippi is not in order.

Mr. FOOTE. What portion of my remarks is not in order?

The PRESIDING OFFICER. The gentleman is aware that the question of order is not debateable.

Mr. WESTCOTT. I ask whether the words objected to are not, according to the rule, to be reduced to writing?

Mr. FOOTE. I pass it over. But the Senator from New Hampshire has said, that if I would visit that State, I would be treated to an argument. Why, I would not argue with him! What right have they of New Hampshire to argue upon this point? It is not a matter with which they stand in the least connected. They have no rights of property of this description, and I rejoice to be able to say, that a large proportion of the intelligent and patriotic people of New Hampshire do not concur in the views expressed by the Senator this morning. They take the ground that the People of the United States, the Constitution, and the Union, have guaranteed the rights of the South connected with this property, and that the people of New Hampshire have no right at all to meddle with the subject. Why, is it not a fact, that gentlemen, members of this body, amongst them the distinguished Senator from Massachusetts, whom I regret not to see in his place, are known to be more or less hostile to the institution of domestic slavery, but have never entertained the doctrine, that the Congress of the United States has any jurisdiction whatever over the subject. They have held that any attempt, directly or indirectly, to effect abolition or to encourage abolition by Congressional legislation, is at war with the spirit and letter of the Constitution.

Mr. HALE. Will the Senator allow me to in-

quire if he can point out a single instance in which I have made any aggression upon the rights of property in the South?

Mr. Foote. That is the very thing I am about to show. When the Senator from New Hampshire undertakes to assert that those Northern men who do not concur with him are "cravens," he uses language of false and scurrilous import. It is not the fact that his language will be re-echoed in any respectable neighborhood in New England. His sentiments will find no response or approval in any enlightened vicinage in New England, and therefore he has no right to say that those who are faithful to the principles of the Constitution, and fail to re-echo the fierce, fanatical, and factious declarations of the Senator, are "cravens" in heart, and deficient in any of the noble sentiments which characterize high-spirited republicans.

Mr. Hale. I did not use such language.

Mr. Foote. Did the Senator not use the word "craven?"

Mr. Hale. If the Senator will allow me, I will inform him, that when the Senator from South Carolina remarked that he supposed it was thought that the South had lost all feeling, I replied by asking if it was supposed that the North had no sensibility, that we had bowed our faces to the earth, with our backs to the sun, and submitted to the lash so long that we dare not look up?

Mr. Foote. The declarations of the Senator from New Hampshire just amount to this—that if he met me on the highway, and, addressing me gravely or humorously, (for he is quite a humorous personage,) should say, I design to take that horse which is now in your possession, and then announce that he wished to enter into an argument with me, as to whether I should prefer that the animal should be stolen from the stable or taken from me on the road, how could I meet such a proposition? Why, I should say to him, either you are a maniac, or, if sane, you are a knave. And yet this very case is now before us. The Senator from New Hampshire introduces a bill obviously intended to rob the people of the District of their slaves. I will read it, and show that such is the import of the bill. I do not know anything about the paper to which reference has been made. It has been sent to me, as to other Senators, during the winter, but I always refrain from opening it. The editor of it may be an intelligent man. I have heard that he is. He is certainly an abolitionist. It may be that he has not in his paper openly avowed, as the Senator from New Hampshire seems very plainly to indicate, that he has approved of this late attempt to steal the slaves from this District. But the publication of such a paper has tended to encourage such movements.

Mr. Hale. When did I avow that I approved of this movement?

Mr. Foote. I will show it from this bill. I challenge the Senator to produce any such statute from the statute book of any State of this Union?

Mr. Hale. I have said that the bill is in substance identical with one of the statutes of the State of Maryland. I have that statute before me, and will hand it to the Senator.

Mr. Johnson, of Maryland. Allow me to see it.

Mr. Foote. How are we to understand the Senator? He will not acknowledge that his object is to encourage such conduct, and he shuns the responsibility. When we charge upon him, that he himself has breathed, in the course of his harangue of this morning, the same spirit which has characterized this act, he says, most mildly and quietly, "By no means; I have only attempted to introduce a bill corresponding substantially with the law on the statute books of most of the States of this Confederacy." And the Senator supposes that all of us are perfectly demented, or do not know the nature of the case, the circumstances, or the motives which have actuated the Senator. Will he undertake to assert that he would have ever thought of such a bill, if these slaves had not been abducted from the District, in opposition to the consent of their owners, by the parties engaged in this marauding expedition? He cannot deny it; and therefore I am authorized to come to the conclusion, that he introduced the bill for the purpose of covering and protecting that act, and encouraging similar acts in future. What is the phraseology of the bill? [The honorable Senator here read the bill.] Who doubts, now, that the object of the Senator from New Hampshire was to secure the captains of vessels and others engaged in any attempts by violence to capture and steal the slaves of this District? No man can doubt it. Then, I ask, have I used language too harsh? and is it not a fact, that the Senator is endeavoring to evade a responsibility which he is not willing to acknowledge?

Mr. Hale. Will the Senator give way for a moment? I will read an extract from the law of Maryland to which I referred. Will the Senator be good enough to look at my bill while I read?

"*An act relating to riots.*

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That, from and after the passage of this act, if any county or incorporated town or city of this State, any church, chapel, or convent, any dwelling-house, any house used or designed, by any person or any body politic or corporate, as a place for the transaction of business or deposite of property, any ship, ship yard, or lumber yard, any barn, stable, or other outhouse, or any articles of personal property, shall be injured or destroyed, or if any property therein or thereon shall be taken away, injured, or destroyed, by any riotous or tumultuous assemblage of people, the full amount of the damage shall be recoverable by the sufferer or sufferers, by suit at law against the county, town, or city, within whose jurisdiction such riot or tumult occurred: *Provided, however*, That no such liability shall be incurred, by such county, incorporated town, or city, unless the authorities thereof shall have had good reason to believe that such riot or tumultuous assemblage was about to take place, or, having taken place, should have had notice of the same in time to prevent said injury or destruction, either by their own police or with the aid of the citizens of such county, town, or city; nor, during the intention of this act, that no such liability shall be devolved on such county, town, or city, unless the authorities thereof, having notice, have also the ability, of themselves or with their own citizens, to prevent said injury: *Provided, further*, That in no case shall indemnity be received, where it shall be satisfactorily proved that the civil authorities and citizens of said county, town, or city, when called on by the civil authorities thereof, have used all reasonable diligence and all the powers intrusted to them for the prevention or suppression of such riotous or unlawful assemblies.

Sec. 2. *And be it enacted*, That in any suit instituted under this act, the plaintiff or plaintiffs may declare generally, and give the special matter in evidence.

The honorable Senator will surely now do me the justice to say, that the bill was not draughted with reference to any particular case, such as that to which he refers. I had not the remotest reference to the protection of individuals concerned in transactions of that character; but if I should undertake to say that I had not reference to demonstrations growing out of that transaction, I should be saying what was false, for it was these

demonstrations which induced me to introduce the bill.

Mr. FOOTE. In one breath the Senator makes two directly contradictory assertions. He says that he did not draw the bill in reference to this case, and in the same breath declared that he did. He disclaims in one moment that which he avows in the next! I am sorry that I have occupied the attention of the Senate so long. I have felt deeply on this subject. We have witnessed this morning the first attempt on this floor to violate the constitutional rights of the South, and I hope it will be the last. I trust that the indignation of the country will be so aroused, that even in the quarter of the country from which he comes, the Senator from New Hampshire, although his sensibilities are not very approachable, will be made to feel ashamed of his conduct.

Mr. MANGUM. It has been now about fourteen years, I believe, since the Senate very wisely, by the concurrence of the ablest and most distinguished men on both sides, came to the resolution to exclude discussion upon the inflaming topic of slavery; and that when abolition petitions were presented, upon the question of reception, a motion should be entertained—which motion is not debatable—and the vote taken upon it to lay the motion for reception upon the table. There has been, ever since this rule was established, a steady and uniform adherence to it; but I am sorry to perceive that there is latterly a disposition manifesting itself to depart from the salutary rule of action which the Senate thus wisely prescribed for itself. Upon this question of slavery we know there are different opinions entertained in different quarters of the Union. I stand here, representing the interests of one portion of that Union; but I could not, if I would, bring myself to a state of excitement and alarm, in consequence of any menaces that might be thrown out. I stand upon the constitutional compromises; and, while I would not invade the rights of others, I am very sure that the sound portion of the community will not invade our rights. Why should we pursue this discussion? Is it believed that we are to be reasoned out of our rights? Are we to be reasoned out of our convictions? No, sir. Then why discuss the subject? Why not stand upon our rights, upon our constitutional compromises? Why not stand thus perfectly passionless, but prepared to defend them when they shall be assailed? But are they to be assailed? Sir, nothing has occurred during this session, that has afforded me more satisfaction, than to hear, from some of the ablest and most distinguished men in this Union, the declaration, that whilst they are opposed to an extension of the area of slavery, they are not disposed to trample upon the compromises of the Constitution. This is our strength. It is to be found in the patriotism of those who love the institutions of our country better than party. I believe the great body of the people are prepared to stand upon the compromises of the Constitution. It is upon this ground that I stand content and passionless; and if I know myself, I shall ever continue to do so.

Sir, no good can result from this discussion. I shall vote against the reception of the bill at this time. And why? Because I think that the occasion which is selected for its introduction is a very unhappy one. It seems to grow out of the occurrence of an unwarrantable trespass recently committed upon the rights of the citizens of this District, without being directed to the prevention of such aggressions in future, but, on the contrary, having for its object the suppression of the manifestations of the feelings of indignation which such acts naturally create. We, who are the only legislators for the District of Columbia, are not informed of their wants and wishes in regard to legislation upon this subject. If the people of this District require any other laws than they already have, for the purpose of protecting their property against unlawful violence, let them indicate to us their wishes; and I shall be ready to lend a willing ear to their request, and to aid in passing such a law as in my judgment may be necessary for their protection. If, on the other hand, the citizens of this District should require other and more penal laws for the purpose of protecting their slave property, I shall be as ready to vote for a bill for that purpose. But I shall never vote for the one nor the other, when I find them pressed forward by gentlemen of extreme opinions—gentlemen from remote portions of the Union, having few feelings in common with the citizens of the District.

Sir, upon these subjects I am accustomed to look to the silent operation of the law for the protection of all our rights. In the State from which I came, there is no excitement with regard to these subjects. If I know anything of the character of that loyal, steady, fixed, and moderate State, there is no State in the Union which will hold to her principles and her rights with more firmness than that State. But we appeal to the silent operation of the law; we know nothing of mob law, or of Lynch law; we know nothing of excesses of this description. Although I have lived to be an old man, most of the time in North Carolina, I have never seen anything in that State approximating even to a spirit of popular tumult.

Mr. FOOTE. Will the honorable Senator allow me to ask him whether, in the case of a conspiracy to excite insurrection among the slaves, it would not, in his opinion, justify mob proceedings?

Mr. MANGUM. Oh! my dear sir, in former years we had a compendious mode of disposing of such cases. We have now a mode equally certain, though not so compendious. Upon a matter of that nature, we take a strong ground. But I am not to be driven hastily into legislation that is proposed by gentlemen who entertain extreme opinions on either side. I am accustomed to look to the people of the District for an exposition of their wants in regard to legislation. They necessarily understand them better than we can do. Upon their suggestion, I am prepared to act either in providing penal enactments for the protection of their slave property, or for protecting other descriptions of property from mob violence. I do not intend to enter into the question as to the propriety of making property holders, to some extent, answerable for any damage that may accrue from such violence, where they have a police in existence. I understand that in Maryland they have such a law, applicable to towns and cities where they have a police. But entertaining the views I do, believing that this movement is wholly inexpedient on this occasion—having no evidence that it would be proper on any occasion, but perceiving that the proposed measure has grown out of excitement, I move that the motion for leave to

introduce the bill lie upon the table, and upon that question I ask for the yeas and nays.

Mr. CALHOUN. Will the Senator be good enough to withdraw that motion for a moment?

Mr. MANGUM. Certainly.

Mr. CALHOUN. If there is any responsibility in regard to this question, that responsibility is on me.

Mr. MANGUM. No, sir, I do not take it so. I feel that the responsibility is upon the inopportune presentment of a bill of this sort, so soon after the transactions which have recently taken place in the District. That is my notion. I think the responsibility is upon the introducing of such a measure at a time when excitement exists all around us.

Mr. CALHOUN. I am very happy to hear that such is the opinion of the honorable Senator; but I disagree with my worthy friend, the Senator from North Carolina, in one particular. I do not look upon a state of excitement as a dangerous state. On the contrary, I look upon it as having often a most wholesome tendency. The state to be apprehended as dangerous in any community is this: that when there is a great and growing evil in existence, the community should be in a cold and apathetic state. Nations are much more apt to perish in consequence of a cold and neglectful state, than through the existence of heat and excitement. Nor do I agree with the Senator from North Carolina in thinking that this is an analagous case to that of the question as to the reception of petitions on the subject of slavery; for we all know that in reference to the latter it was a question whether the Senate was bound to receive petitions relating to that subject or not. Now, here is a case in which there is no doubt whatever. All admit that the question of granting leave is a question depending upon the voice of the Senate as a matter of discretion—there is no question of right whatever. Now, I submit to the Senator from North Carolina, whether, under the circumstances, a bill of this kind, introduced at such a moment, to subject the worthy citizens of this District to a high penalty, without containing a single clause for the punishment of those who commit outrages upon them and deprive them of their property, without a single expression against such marauders, must not be considered a most extraordinary measure, let it come from whatsoever quarter it may. Can any man doubt that, whether intended or not, the object of this bill (as I said in my chair) is this: to disarm the worthy citizens of this District, so as to prevent them from defending their property, and to arm the robbers. That is the whole amount of it. The Congress of this Union is the Legislature of the District of Columbia; and what is our duty as such on this occasion? It is to protect these our constituents, who have no other protection than ourselves. It is our duty to stand forward in their behalf, when the extraordinary spectacle is presented to us of a vessel coming to our wharves, under the color of commerce, and of the men belonging to that vessel silently seducing away our slaves, and getting nearly a hundred of them on board, and then moving off with them under cover of the night, in order to convey them beyond our reach. What is our duty under these circumstances? Is it not to take up the subject, as I trust the Committee on the Judiciary will do, and pass a bill containing the highest penalties known to the law against persons who are guilty of acts like these?

I differ also from my honorable friend from North Carolina, in this respect. He seems to think that the proper mode of meeting this great question of difference between the two sections of the Union is to let it go on silently, not to notice it at all, to have no excitement about it. I differ from him altogether. I have examined this subject certainly with as much care as my abilities would enable me, and if I am not greatly deceived, if I have any capacity to perceive what is coming, I give it as my most deliberate opinion, that if this course is pursued on our part, and the activity of those influences on the other side be permitted to go on, the result of the whole will be, that we shall have St. Domingo over again. Yes, and worse than that. Now, sir, we have been asleep; and so far from the thing being stationary, it is advancing rapidly from year to year. What has taken place within the last few weeks in the Legislature of New York? There is a provision in the Constitution protective of the rights of the South on this subject—and what is it? That the States shall deliver up fugitive slaves that are found within their limits. It is a stipulation in the nature of an extradition treaty—I mean a treaty for delivering up fugitives from justice. Now, what duty does this impose upon the States of this Union? It imposes upon them, upon the known principles of the law of nations, an active co-operation on the part of their citizens and magistrates in seizing and delivering up slaves who have escaped from their owners. What has been done by the Legislature of New York? They have passed a law—I understand almost unanimously, there being but two votes against, it—making it penal for a citizen of that State even to aid the Federal officers in seizing and delivering up slaves. They not only do not co-operate, they not only do not stand neutral, but they take positive and active measures to violate the Constitution and to trample upon the laws of the Union; and yet we are told that things are going on very well, and will go on well, if we only let them alone; that the evil will cure itself. This is what has been done in the State of New York. The only stipulation in the Constitution which confers any benefit upon us is, without the least regard to faith, trodden in the dust. And New York stands not alone in this matter; many other States have adopted similar enactments. Pennsylvania, at the session before the last, adopted one, not going to this extreme, but not falling greatly short of it. And what has taken place under that law? A most worthy citizen of Maryland, upon his attempting to recapture his slave, is murdered—I believe that is the proper term—and the perpetrator of the act goes unpunished. There was a trial, and some one may have been found guilty, but nothing was done. I could go on and consume the whole day in tracing, step by step, the course by which every stipulation in favor of this description of property has been set at nought in the Northern States. Now, if all this is the fact, I put it gravely and seriously to our brethren of the Northern States, can this thing go on? Is it desirable that it should be suppressed? Is it desirable that the South should be kept ignorant of all this? I put these questions. No, no! Our very inaction is construed into one of two things—indifference or timidity. And it is this construction

which has produced this bold and rapid movment towards the ultimate consummation of all this. And why do we stand and do nothing? I will tell you why. Because the press of this Union, for some reason or other, does not choose to notice this thing. One section does not know what the other section is doing. The South does not know the hundredth part of all that has been done in these places. Now, since this occurrence has taken place, a suitable occasion is presented for gentlemen to rise here and tell the whole Union what is doing. It is for the interest of the North as well as the South. I do not stand here as a Southern man. I stand here as a member of one of the branches of the Legislature of this Union—loving the whole, and desiring to save the whole. How are you to do it? It can be saved only by justice; and how is justice to be done? By the fulfilment of the stipulations of the Constitution. I ask no more—as I know myself, I would not ask a particle that did not belong to us, either in our individual or confederated character. But less than that I never will take. Sir, I hold equality among the Confederated States to be the highest point; and any portion of the Confederated States who shall permit themselves to sink to a point of inferiority, not defending what really belongs to them, as members, sign their own perdition, and, signing that, lay the foundation for the destruction of the whole. Upon the just maintenance of our rights, not only our safety depends, but the existence and safety of this glorious Union of ours. And I hold that man responsible, and that State responsible, who do not raise a voice against every known and clear infraction of the stipulations of the Constitution in their favor. This is a proper occasion, and I hope there will be a full expression of opinion upon it. I hope my friend from North Carolina will reconsider his motion, and not press it. Let us meet this question at once.

Mr. Douglas. I have listened to this debate with a good deal of interest. But, while I have seen considerable excitement exhibited on the part of a few gentlemen around me, I confess that I have not been able to work myself into anything like a passion. I think that probably the Senator from New Hampshire has done much to accomplish his object. His bill is a very harmless thing in itself, but being brought forward at this time, and under the present circumstances, it has created a good deal of excitement among gentlemen on this side of the chamber.

Mr. Calhoun, (in his seat) Not the bill—the occurrence.

Mr. Douglas. On the occurrence I desire to say a word. In the first place, I must congratulate the Senator from New Hampshire on the great triumph which he has achieved. He stands very prominently before the American people, and is, I believe, the only man who has a national nomination for the Presidency. I firmly believe that on this floor to-day, by the aid of the Senator from South Carolina and the Senators from Mississippi, he has more than doubled his vote at the Presidential election, and every man in this chamber from a free State knows it! I looked on with amazement for a time, to see whether there could be an understanding between the Senator from New Hampshire and his Southern friends, calculated to give him encouragement, strength, and power, in the contest. But I know that those distinguished Senators from the South, to whom I have referred, are incapable of such an undertaking; yet I tell them that, if they had gone into a caucus with the Senator from New Hampshire, and, after a night's study and deliberation, had devised the best means to manufacture Abolitionism and Abolition votes in the North, they would have fallen upon precisely the same kind of procedure which they have adopted to-day. A few such exciting scenes sufficed to send that Senator here. I mean no disrespect to him personally, but I say, with his sentiments, with his principles, he could never have represented a free State of this Union, on this floor, but for the aid of Southern speeches. It is the speeches of Southern men, representing slave States, going to an extreme, breathing a fanaticism as wild and as reckless as that of the Senator from New Hampshire, which creates Abolitionism in the North. The extremes meet. It is no other than Southern Senators acting in concert, and yet without design, that produces Abolition.

Mr. Calhoun. Does the gentleman pretend to say that myself, and Southern gentlemen who act with me upon this occasion, are fanatics? Have we done anything more than defend our rights, encroached upon at the North? Am I to understand the Senator that we make Abolition votes by defending our rights? If so, I thank him for the information, and do not care how many such votes we make.

Mr. Douglas. Well, I will say to the Senator from South Carolina, and every other Senator from the South, that far be it from me to entertain the thought that they designed to create Abolitionists, in the North or elsewhere. Far be it from me to impute any such design! Yet I assert that such is the only inevitable effect of their conduct.

Mr. Calhoun, (in his seat.) We are only defending ourselves.

Mr. Douglas. No; they are not defending themselves! They suffer themselves to become excited upon this question—to discuss it with a degree of heat and give it an importance which makes it heard and felt through the Union. It is thus that Abolition derives its vitality. My friend from Mississippi, [Mr. Foote,] in his zeal and excitement this morning, made a remark, in the invitation which he extended to the Senator from New Hampshire to visit Mississippi, which is worth ten thousand votes to the Senator; and I am confident that that Senator would not allow my friend to retract that remark for ten thousand votes!

Mr. Foote. Will you allow me?

Mr. Douglas. Certainly.

Mr. Foote. If the effect of that remark will be to give to that Senator all the Abolition votes, he is fairly entitled to them. Had the Senator from Illinois lived where I have resided—had he seen insurrection exhibiting its fiery front in the midst of the men, women, and children of the community—had he had reason to believe that the machinery of insurrection was at such a time in readiness for purposes of the most deadly character, involving life, and that dearer than life, to every Southern man—had he witnessed such scenes, and believed that movements like that of this morning were calculated to engender feelings out of which were to arise fire, blood, and desolation, the destruction finally of the South—he would regard

himself as a traitor to the best sentiments of the human heart, if he did not speak out the language of manly denunciation. I can use no other language. I cannot but repeat my conviction, that any man who dares to utter such sentiments as those of the Senator from New Hampshire, and attempts to act them out, anywhere in the sunny South, will meet death upon the scaffold, and deserves it!

Mr. Douglas. I must congratulate the Senator from New Hampshire on the accession of five thousand votes! Sir, I do not blame the Senator from Mississippi for being indignant at any man, from any portion of this Union, who would produce an incendiary excitement—who would kindle the flame of civil war—who would incite a negro insurrection, hazarding the life of any man in the Southern States. The Senator has, I am aware, reason to feel deeply upon this subject. But I am not altogether unacquainted with the peculiar circumstances of the sections of the country to which he has alluded. I have lived a good portion of my life upon the immediate borders of a slave State. I have seen the operation of such excitements as those of which he speaks, upon both sides of the line. I can well appreciate the excited feeling with which gentlemen in the South must regard any agitating movement to get up insurrections amongst their negro servants.

Mr. Davis, of Mississippi. I do not wish to be considered as participating in the feeling to which the Senator alludes. I have no fear of insurrection—no more than I have of my cattle. I do not dread such incendiaries. Our slaves are happy and contented. They sustain the happiest relation that labor can sustain to capital. It is a paternal institution. They are rendered miserable only by the unwarrantable interference of those who know nothing about that with which they meddle. I rest this case in no fear of insurrection; and I wish it to be distinctly understood, that we are able to take care of ourselves, and to punish all incendiaries. It was the insult offered to the institutions which we have inherited that provoked my indignation.

Mr. Foote. Will the honorable Senator allow me to make a remark?

Mr. Douglas. With a great deal of pleasure.

Mr. Foote. If it be understood that I expressed any fear of insurrection which might grow out of this movement, it is a mistake. I said that such an audacious movement as this could not be tamely submitted to without encouraging its authors to proceed; and in that, I think, all who have spoken on this side of the chamber concur.

Mr. Davis, of Mississippi. I did not intend to imply that my colleague had taken any such course as that which I disclaimed.

Mr. Douglas. All that I intended to say was, that the effect of this excitement—of all these harsh expressions—will be the creation of Abolitionists at the North.

Mr. Foote. The more the better.

Mr. Douglas. The gentleman may think so; but some of us at the North do not concur with him in that opinion. Of course, the Senator from New Hampshire will agree with him, because he can fan the flame of excitement so as to advance his political prospects. And I can also well understand how some gentlemen at the South may quite complacently regard all this excitement, if they can persuade their constituents to believe that the institution of slavery rests upon their shoulders—that they are the men who meet the Goliath of the North in this great contest about abolition. It gives them strength at home. But we, of the North, who have no sympathy with Abolitionists, desire no such excitement.

Mr. Calhoun. I must really object to the remarks of the Senator. We are merely defending our rights. Suppose that we defend them in strong language—have we not a right to do so? Surely the Senator cannot mean to impute to us the motives of low ambition. He cannot realize our position. For myself, (and I presume I may speak for those who act with me,) we place this question upon high and exalted grounds. Long as he may have lived in the neighborhood of slaveholding States, he cannot have realized anything on the subject. I must object entirely to his course, and say, that it is at least as offensive as that of the Senator from New Hampshire.

Mr. Foote. Will the Senator from Illinois allow me a word?

Mr. Douglas. In a moment. I am sorry that the honorable Senator regards my language as offensive as that of the Senator from New Hampshire. Will he allow me to remark, in the first place, that I did not suppose that I should ever be classed with the Senator from New Hampshire on the subject of slavery; and, in the next place, that I did not say anything disrespectful to the Senator from South Carolina, or any one associated with him on this question. I did not impugn his motives. I said explicitly that I did not regard him as being actuated by any but the purest motives. He felt indignant at the recent occurrences, and his indignation I regarded as being natural and proper. We of the free States share in that indignation. But I said the Senator from South Carolina, by the violent course pursued here, had contributed to the result which we deplored, and that Abolitionism at the North was built up by Southern denunciation and Southern imprudence. I stated that there were men of the North who are ready to take advantage of that imprudent and denunciatory course, and turn it to their own account, so as to make it revert upon the South. I announced in plain terms that truth—a truth which every man from the free States can fully realize; and, sir, I, too, feel upon this subject, inasmuch as I have never desired to enlist, and never shall enlist, under the banners of either of the radical factions on this question. I have no sympathy for Abolitionism on the one side, or that extreme course on the other, which is akin to Abolitionism. We are not willing to be trodden down, whilst you hazard nothing by your violence, which only builds up your adversary in the North. Nor does he hazard anything; quite the contrary—for he will thus be enabled to keep concentrated upon himself the gaze of the Abolitionists, who will regard him as the great champion of freedom, who encounters the distinguished Senator from South Carolina and the Senators from Mississippi. He is to be upheld at the North, because he is the champion of Abolition; and you are to be upheld at the South, because you are the champions who meet him; so that it comes to this: that, between those two ultra parties, we of the North, who belong to neither, are thrust aside. Now, we stand up for all your constitutional rights, in which we will protect you to the last. We go for the punishment of burglary, stealing,

and any other infringement of the laws of the District; and if these laws be not strong enough to prevent or punish those crimes, we will give to them the adequate strength. On the other hand, we go for enforcing the laws against mobs, and any destruction of property by them, if the law be not strong enough to suppress them. But we protest against being made instruments—puppets—in this Slavery excitement, which can operate only to your interest, and the building up of those who wish to put you down. I believe, sir, that in all this I have spoken the sentiment of every Northern man, who is not an Abolitionist. My object was to express my deep regret, that any such excitement should have grown out of the introduction of this bill.

Mr. FOOTE. I had supposed that I had already sufficiently explained myself. No Southern man has ever introduced this question into the halls of legislation. Of this, the Senator must be well aware. If he knows an instance to the contrary, I should be extremely glad to be informed of it. The question is not now brought up by any movement of ours; it is forced upon us by the Senator from New Hampshire. The South has been silent; resting firmly, discreetly, and with dignity, upon her rights, which are guarantied to us by the Constitution. It is only in defence of her acknowledged rights, that she undertakes to say anything. The Senator from New Hampshire has now introduced a bill which is calculated to produce mischief. Are we to remain silent?—or, if we use language of just indignation, are we to be charged with endeavoring to make ourselves popular in the South? Let me say to the Senator from Illinois, that this is a most ungenerous proposition. He says that no unworthy motives lie at the foundation of this measure. Why, I can imagine no more unworthy motive than unprincipled demagogueism. I would scorn myself, if I could for a moment permit myself to give countenance to anything so unworthy. I would say, with all possible courtesy to the Senator from Illinois, for whom I entertain the highest respect, and whose general feelings of justice for us in the South we all understand and appreciate, he will permit me to say to him, in a spirit of perfect courtesy, that there are various ways of becoming popular. Our constituents will have confidence in us if they see we are ready here to maintain their interests inviolate. And it may be, also, that the Senator from New Hampshire will strengthen himself in proportion as his conduct is denounced. But I beg the Senator from Illinois to recollect, that there is another mode of obtaining that popularity, which is expressed in the adage, "*In medio tutissimus ibis,*" and that there is such a thing as winning golden opinions from all sorts of people; and it may be that a man of mature power, young, and aspiring as he may do to high places, may conceive, that by keeping clear of all union with the two leading factions, he will more or less strengthen himself with the great body of the American People, and thus attain the high point of elevation to which his ambition leads. But if the Senator from Illinois thinks that a middle course in regard to this question is best calculated to serve his purpose, he is mistaken.

Mr. DOUGLAS. The Senator has hit it precisely when he says, that sometimes the course advised in the familiar adage which he has quoted, is, indeed, the course of duty and of wisdom. I do believe that upon this question, that is the only course which can "win golden opinions" from reflecting men throughout the country.

Mr. FOOTE, (in his seat.) "Golden opinions from all sorts of people."

Mr. DOUGLAS. In the North, it is not expected that we should take the position that slavery is a positive good.—a positive blessing. If we did assume such a position, it would be a very pertinent inquiry, why do you not adopt this institution? We have moulded our institutions at the North as we have thought proper; and now we say to you of the South, if slavery be a blessing, it is your blessing; if it be a curse, it is your curse; enjoy it, on you rest all the responsibility! We are prepared to aid you in the maintenance of all your constitutional rights; and I apprehend that no man, South or North, has shown more consistently a disposition to do so than myself. From first to last, I have evinced that disposition. But my object was to inform the people of the South how it is that gentlemen, professing the sentiments of the Senator from New Hampshire, get here; how it is that they will see others coming here with similar sentiments, unless they reflect more calmly and coolly, and take a different course; and how this imprudent and violent course is calculated to crush us who oppose Abolitionism. If any unpleasant feeling has been excited by these remarks of mine, I regret it. I know that it is not always pleasant to tell the truth, plainly and boldly, when it comes home to an individual. But what I have said is the truth, and we all know it and feel it.

I think the introduction of this bill has been ill-timed. I doubt its expediency in any circumstances; but, brought up at present, it is peculiarly calculated to produce unnecessary excitement; and I will never consent to the introduction of such a bill under the present circumstances. I am willing to instruct your committee to inquire whether any formal legislation be necessary for the purpose of suppressing kidnapping, mobs, rioting, and violence, in the District of Columbia. I am prepared to meet the responsibility of passing the most stringent laws against any illegal acts. This is my position. My views in relation to this subject are well known. I have always supported by my vote the rule excluding Abolition petitions. I voted with you of the South to sustain it. It was repealed against my vote. I was ready to stand by it as long as it was necessary for your protection. I will vote for any other measure necessary to protect your rights. But I claim the privilege of pointing out to you how you give strength and encouragement to the Abolitionists of the North, by the imprudent expression of what I grant to be just indignation, and which you deem it to be necessary so to utter in self-defence.

Mr. DAVIS, of Massachusetts. I wish, before the vote is taken, to say a word or two, for the purpose of placing myself right with regard to this matter. I am not very apt to be carried away by any of the excitements that sometimes have existence in this chamber; and I cannot say, at this moment, that I participate at all in the excitement which seems to exist in the minds of many gentlemen here. What is the question that is presented for this body to decide? A stranger, coming into this chamber, would suppose that we had some measure under consideration which concerned the deepest interests of slavery—that we were about to pass judgment upon some question affecting that great interest—that we were about to legislate upon the subject in some way that would affect it

in a manner injurious to the rights of those who own property of this description. Now, I think that whoever has listened to the reading of this bill, must be satisfied that there is no such thing contained in it. If I understand it, it proposes nothing which has any special reference, under any construction that can be given to it, to that particular description of property. We have laws which make municipal corporations liable for damage resulting from violence done to property by popular tumults, and these suits compel them to remiss in its duty in enforcing order and obedience to the law. If I understand the proposition of the honorable Senator from New Hampshire, he intends nothing more than to give security to property of this description beyond this. This is the whole matter under consideration. But gentlemen say this is an unpropitious moment to introduce a question of this sort. And why unpropitious? I cannot understand them rightly—and I learn the fact for the first time—a mob has assailed the office of a newspaper in this city, and has rendered it uninhabitable. Well, how does this connect itself with the question of slavery? Why, it is said that from this office a newspaper issues, which is called an abolition paper. Suppose all this to be true, it is added by the Senator from New Hampshire, that this paper is conducted in a temperate manner, that it employs temperate language, addresses itself to the reason and the understanding of the public, and that no complaint has been made against it by the public. Well, how far this mobocratic action is to be attributed to another event which has happened in the same District, is not for me to say. Some gentlemen seem to suppose that it has some connection with it. If it has, I am unable to see it. The Senator from New Hampshire then introduces a measure, and proposes to make the corporation liable for the damages committed, in case they refuse to do their duty and enforce the law. Well, such a law exists in many of the States. But it is said that this is a very peculiar state of things. Here was an abolition press at work, and this building. Let me ask gentlemen whether they propose to stop the operations of the press—whether, in other words, they propose to take away from it its freedom? It seems to me that we might learn a lesson, if we would, from what is going on on the other side of the Atlantic. The agitation of this question alone—the freedom of the press—has overthrown many of the thrones of Europe.

Do you propose by means of violence, or by any other mode, to put an end to the discussion of the subject, either by speeches or through the medium of the press? Whoever undertakes a work of this description has put on herculean task upon his hands—a task which he will find himself wholly incompetent to accomplish. Well, why is it that the Senate flies in the face of this measure, and objects to its reception? And I put it to the calm consideration of Senators, far from South Carolina, and those who think with him, whether the inference I have made will not be made through out the country, and whether it will not be considered every where an assault upon the liberty of the press and of speech. Whether it will not be irrecistible, and whether it will not make a lasting impression upon the public mind? I think the people will reason in this way upon the subject, and that they will hold out to us the duty of this body, to take the subject into consideration. Send it to a committee, let it be examined, and not presume, as the honorable Senator from South Carolina does, that because its provisions do not cover the whole subject, it cannot be made to cover the whole. If it does not answer the views of gentlemen, it can be made to do so. Then, why fly in its face? Why take this very unusual course of refusing to receive the measure at all? Why, simply because, by consideration and inference, it is supposed to have some connection with the question of slavery. Now, is this wise? Is it prudent? Does it best accomplish the object which gentlemen have in view, which is to protect this kind of property? I have ever been one of that class of persons who have at all times considered themselves bound by the terms of the Constitution on this subject, and have stood ready to support the guarantees contained in that instrument. But, at the same time, I must confess that I thought the honorable Senator from Illinois, in the remarks which he made here, uttered a great deal of wholesome truth. I thought he administered some wise, and prudent, and salutary admonitions to those remedies worthy of the consideration of all parties here; and I hope they will have their effect. I hope a little reflection, a little consideration, will induce gentlemen to change the course they have adopted on this subject, and to permit this measure to take the usual course of legislation. Suppose we do come to a discussion on the question, where, let me ask gentlemen, is the harm of discussion? Why, gentlemen ask, what right have you to discuss our rights of property in slaves? By what authority do you claim the privilege of inquiring into this matter? Sir, we may have no right to disturb this right of property; we may have no right to affect the title to it in any way; no such rights may be claimed. Nevertheless, no one will deny to any citizen the right to discuss the character of property of this kind, and the effect which laws have upon such property. Who denies this right, and where is it denied? It belongs to freedom of discussion, to the freedom of speculation which exists in every free and untrammeled mind. Men may advance very absurd notions; they may reason very preposterously; they may reach very absurd conclusions; but while the whole matter lies in discussion, very little, in my judgment, is gained by terming that discussion incendiary in its character. Why, do you expect to satisfy the public mind, when mankind discusses the question of slavery, however important it may be to any portion of this country, and express their opinions in regard to it—do you expect to put them under foot by saying it is incendiary? If any gentleman flatter himself with hopes and expectations of this description, he is deceived. The progress of this discussion will go on—and the way to meet error is by confronting it with truth. Let the discussion go on; let it be free everywhere. My own opinion is, that all considerate minds, here and everywhere, are daily disposed more favorable to the guarantees and compromises of the Constitution, and, instead of being weakened by discussion, they are at every step strengthened; they at every step become firmer and stronger bonds of Union. Let no one try, if he can, to suppress discussion. Every attempt to stop it will result, as in Europe, in one general sentiment, which will trample under foot the power that attempts to suppress it. This will be the effect of such attempts. I invite, then, my friends to meet this question boldly, fearlessly, and not let this subject go to the public in the form in which it now presents itself—as a bill presented here, which is nothing but the protection of property against the violence of a mob, and denied admission to this hall and that table, because supposed to have some indirect connection with the question of slavery. Let us take, sir, a more manly view of the subject—one that accords better with the character of high minded men. Let it take its course here. Let it go to a committee. let that committee examine it; and if it does not, from any cause, meet your approbation when it comes to be considered, then let other measures take its place—let it take its fate. But nothing, sir, is to be gained by this unusual course. I assure the gentlemen who represent this slave interest, that instead of gaining they lose much who act in this way.

Why, Mr. President, cannot every gentleman see, and see plainly, that when this bill comes to be published, when the terms in which it is conceived come to be read and understood, it will be seen that it is a measure different in its essential material point from laws existing in many of the free States and free countries everywhere—and, as a Senator near me says, in some of the slave States—making corporations, under certain circumstances, liable for the violence of a mob? And whoever takes the ground that this bill has been brought in at an unpropitious moment, and for that reason denies it admission, assumes a responsibility that I, for one, sincerely wish by and by to get rid of. What have we to do with the present movement, sir—with the particular and peculiar circumstances which surround the question? In my judgment, nothing at all. I do not like to say what the motives were of the Senator from New Hampshire, in introducing this bill; it does not become me to inquire into them. It is enough for me to know, that if the printing office of the Union or National Intelligencer were assailed and injured by a mob, that it would be my duty to inquire how it happened, and whether further provisions were required, in addition to the present laws of the District, in order to suppress such disturbances. The case with which I should feel myself bound, under such circumstances, to exercise with regard to the property of others, I should exercise in this case. The same measure of justice I should mete out in other cases, I would mete out in this. The protection which I would feel it my duty to give to the property of others, under all circumstances, I would give in this case. And if it turns out that this care is unworthily bestowed, that it does not demand legislation, then let it take its fate. But this is not the way to deal with it. It does not, in my judgment, have the sanction of deliberation. I have always been of the opinion, that nothing has been gained by the opposition to the introduction of petitions here. I believe, if the subject had been left open, and we had been allowed to go into the consideration of the subject, gentlemen would have found less excitement existing than has been created by the opposite course. It would have tended much more strongly, in my judgment, to tranquillize and harmonize the public mind. Under all the circumstances, then, how are we to act? I think the question is a very plain one. It has been brought in and made to bear strongly on the minds of gentlemen which do not belong to this question at all. I shall vote for the reception of the bill, in order that it may take the usual course of legislation.

Mr. Butler. From the course which this discussion has taken, is clearly indicated the approaching storm which will ere long burst upon this country. I am persuaded that the part of the country which I represent is destined to be in a minority—a doomed minority. I feel satisfied that all that we have to look to for protection are the guarantees of the Constitution, and the compromises made under it; and I feel as well assured as I do of any sentiment I ever uttered, that

these guarantees will be violated—as well assured as I am that the compromises which have been made have been disregarded. I feel that the sentiment of the North against the institution of slavery is advancing with the certainty of the malaria from the Pontine marshes—with the certainty of all progressive movements; and there is no disguising it.

Why, on all occasions, whether of domestic or foreign consideration, the slave question is obtruded upon us. When a resolution was offered in this body, in the name of the nation, to congratulate the French people upon the commencement of their efforts in favor of the establishment of republican principles, an amendment was offered, to congratulate them upon the confiscation of some of the property belonging to the people—to especially congratulate them on the emancipation of their West Indian slaves. Let it be proposed to acquire territory by the joint arms, the united exertions, of the people of the whole Union, and we of the South are forced to submit to the insult of having it proposed that the soil purchased and enriched by the blood of Southern troops would be polluted by their occupation of it, after a treaty of peace when brought into comparison with those who claim superiority over them by virtue of their institutions. Sir, we are thus insulted every morning of our lives by the presentation of petitions of individuals, and resolutions of States, stigmatizing Southern institutions as unworthily connected with this Confederacy, going to show that the guarantees of the Constitution will be, as the compromises have been, disregarded. But before I approach this part of the subject, I beg to address to you a few remarks upon the bill which is offered for our consideration. What is the bill, sir? It proposes to require from the inhabitants of this District to enter into bonds—for it amounts to that—to indemnify all persons who shall suffer losses by means of a mob—to indemnify all persons for any possible trespass that may be committed upon them by irresponsible violence. Now, I must be permitted to say, that this is a sort of legislation that is not to be found in that part of the country in which I live. I think it is unknown in the States south of the Potomac. Why should we be called on to pass a law, at this time, to give indemnity for trespasses committed by a mob? If I were satisfied that the existing laws of the District, were inadequate to the protection of the property of the citizen, I do not know that I should be averse to the adoption of some measure that might be calculated to control the movements of a mob. But what is the fact? Why, that the laws are inadequate to the protection of the owners of slaves against those who are disposed to interfere with that species of property, whilst other species of property has adequate protection. I put the question to the honorable Senator from New Hampshire, whether he will agree now to bring in a law to give additional security to slaveholders, by the enactment of penalties, and I am told by that gentleman, "No; the law I would introduce would be of entirely a different character; one to confiscate their property by the emancipation of slaves in the District of Columbia." And to destroy and undermine the institution, all influences are left to effect their silent work; the press, private counsel, influence of opinion. Here, in the District of Columbia, a paper, addressed to slaves as well as to others, is issued, inculcating in the minds of the slaves the right to rebel—a more than right, a duty—leading them to acts that are inconsistent with their peace and happiness, and such as will certainly inflict cruelty upon deluded human beings, by seducing them into a condition which compels their masters to use them with greater severity. This is like kindling a fire in the middle of a dry prairie, and expecting it not to burn with certain destruction. I ask the gentleman if he is willing to afford protection to the holders of slave property, and I am answered, that slaveholders are entitled to no protection. Am I expected to stand here, and, under the forms of constitutional legislation, give my support to measures which must destroy one of the institutions under which we live? I solemnly believe that the gentlemen from the North are not sensible of the tendencies of such measures as they are proposing. When the Constitution was formed, its provisions were adopted in good faith, and I had hoped that some portion of the same spirit which actuated the framers of that instrument would be found pervading this body at this time. That good faith, if it were to be found, would preserve to us the guarantees which are provided in the Constitution; and I tell gentlemen that our fathers would never have consented to come into the Confederacy, if they believed that these encroachments would ever have been made, and that, too, under the authority of their joint Constitution. The spirit of fanaticism never commenced to prevail until it was ascertained that the tide was running against us; but from that moment, about 1820, the time of the Missouri Compromise, it has gone on with accelerated rapidity, and it now forms one of the dangerous elements of sectional ambition. My colleague has alluded to some of the evidences of this. When the Constitution was adopted, it was one of its provisions, not implied, but expressed in terms sufficiently explicit, that if slaves escaped, there should be a co-operation on the part of the authorities of the State to which they fled, to deliver them up; and as the understanding of the terms, such until recently was the practice. In 1793, an act was passed making it penal for any one, in any of the non-slaveholding States, to harbor or conceal a slave; and there is another important commentary contained in that law—that by that very act provision is made that State courts shall use their authority to aid in delivering up fugitive slaves. That act was made to provide the mode of delivering up runaway slaves. It was made on the assumption that they should be delivered up, under the provisions of an extradition treaty. The measure received the general concurrence of Congress and the People. This act looked to good faith for its execution and enforcement. It had the sanction of the wisest men of all sections, not as speculative theorists, but as practical statesmen, who looked to actual and (I must be permitted to say) mutual interests. When the law was proposed, what would Southern men have thought, if they had been told that the courts should afford no such relief, and that it would be criminal for State officers to give assistance? Why, sir, they would have gone no further with compromise, but, being the stronger party, they would have looked out for their own security. The act was made in good faith to coerce the provisions of a compromise, to procure the delivery of a slave to his master. How has that act been treated? A law has been enacted in the State of New York, one in Massachusetts, (and I believe I could name a dozen other States where similar laws have been passed,) declaring that the State courts have no jurisdiction over that matter, and that it belongs exclusively to the Federal jurisdiction. Here, then, is one of the compromises of the Constitution entirely disregarded; and laws have been passed, interposing obstacles to the recapture of slaves, such as would make it nugatory and dangerous for the owner to make the attempt to reclaim his own property.

In Massachusetts it is made criminal, under high penalties, for constables to aid in apprehending a fugitive slave; and for jailors to allow their prisons to be used for safe-keeping—a law of precisely the same import has been passed in Rhode Island, and of similar import in nearly all the States north of Maryland. To the North we can look for no aid in apprehending this species of property. So far from fulfilling the provisions and compromises of the Constitution, it is made criminal for citizens and officers of non-slaveholding States to fulfil the duties of good citizens; and yet we are told that the compromises of the Constitution, and its express guarantees, entered into by our ancestors, will be observed in good faith. And that is to be our security—the security of good faith; and by those who have shown that they cannot resist the temptations of ungenerous jealousy or criminal ambition. This is worse than resting on a broken reed, or to find a sword where you expected a shield. In all cases where controversies have arisen under such laws, the Supreme Court has decided them to be unconstitutional. Do they stop there? Would to God I could say they did! What is our condition when our property of this kind—property recognised by the Constitution—is taken away from us? Can we appeal to their tribunals? Why, we are treated by them with scorn. Can we appeal to their municipal officers? They point to the act, and say, we are prohibited. But, worse than all, it is made the interest of political aspirants to excite a feeling of aversion to slaveholders. They have constitutional rights, but no power to enforce them. Yet I am told, rely on compromises, and, at any rate, "that it is unbecoming in the South to manifest excitement; that we must keep perfectly quiet; not be alarmed; it is all perfectly right." When the fire is burning around me, I am told that I must keep cool—that I must not discuss the matter with anything like heat. We have a right to discuss it. It is proper for us to vindicate our rights; and I wish there was an adequate issue to put them to a full trial. I say to gentlemen, that the crisis is approaching—not by any action of the South, but is forced upon us; and if the horrors of a civil war do come, which God forbid—

> "Thou canst not say I did it—
> Shake not thy gory locks at me."

I declare solemnly, before Heaven, that I believe that we are in a doomed minority, and that it is the duty of the South to take some measures to avert the evil. I have no confidence that the guarantees of the Constitution will be regarded. I have no confidence in those who choose to preach to me of good faith, while I have examples of its flagitious violations, and tell me all is well, when I see ruin impending over me. I wish I could have confidence. I am told, that when a measure of this kind is proposed, it is our duty to give it all the forms of legislation. I should be glad, indeed, if I could discover in it anything calculated to defend the rights of the people whom I represent. The issue must come. Ambition will avail itself of it, the elements of its developments and of mischief are contained in it. I believe, from the course which this discussion has taken, that many gentlemen will vote for this bill; but if they do, they will do an act the effects of which they do not appreciate. Gentlemen do not understand the feelings of the South. I have no fear of insurrection, nor the dangers of slave property. If we were in the midst of a war to-morrow, I tell gentlemen, that we of the South would

feel as safe in the midst of a slave population as in the midst of a free. We will see more of this in other forms. I make the prediction, that should any part of Mexico come into the acquisitions of this Union, there will be provisions introduced to prohibit Slavery. The whole territory of the South is to be put into the power of those who will tell me that "*in medio tutissimus ibis*," as they express it. Oh, yes! they are very good judges of the middle course; but, as good judges as they are, when they undertake to pursue the middle course, they keep it so long as it is their interest, and no longer. What a security for moderation on our part—and confident reliance on the good faith of those who have never kept it! I have expressed myself with some warmth, but I hope the Senator from New Hampshire will at least do me the justice to say that it has not been without provocation. I have avoided epithets and violent denunciations, because I am prepared for grave issues, when solemn determination, and not violence, must be resorted to. I am willing to wish the Union safe; but to be so, it must preserve right, and maintain constitutional obligations. I cannot resume my seat without expressing the high gratification with which I have listened to the eloquent remarks of the honorable Senator from Indiana, [Mr. Hannegan.] He has taken the high-minded and independent course which his character entitled us to expect. I am confident that he will be fully sustained by all true-hearted patriots throughout the Union.

Mr. Cameron. I rise merely to defend my own State—that great State which I have the honor to represent—on a single point which has been alluded to by the distinguished Senator from South Carolina, [Mr. Calhoun.] That Senator has done injustice to Pennsylvania, (unintentionally, doubtless,) in comparing a recent law of hers with an act of the late Legislature of New York. The New York statute, it is said, makes it a penal offence for any of her citizens to aid in the arrest or restoration of fugitive slaves to their owners. The law of Pennsylvania is a widely different affair. Her act of 1826 made it the duty of the State officers to aid in the arrest of slaves: which act, as has been stated by the colleague of the Senator, was rendered null by the decision of the courts. The last act, therefore, is merely a declaratory one, setting forth the fact that those officers were not required by the State laws to render such aid. The duty of the citizens remains unchanged, and is in no way affected.

No attempt has been made by Pennsylvania to interfere, in any way, with the power or authority of the General Government, nor the duty of the citizens to that Government. The marshal or his deputy can call to his aid a sufficient posse at any time, when it may be necessary to sustain the laws of the Union; and no act in the history of Pennsylvania can be pointed to, which will show that she has, in a single instance, been wanting in a due regard for the guarantees of the Constitution, and the compromises under it. Nor will she ever be. The Senator alluded, also, to a disturbance at Carlisle. Undue importance has been attached to that affair; the persons concerned in it were tried, and those found guilty were properly, and, I may add, severely punished. They are still incarcerated within the walls of a penitentiary. As to the death of a citizen from another State, I am positively assured that he was the victim of disease, and that his death was not at all attributable to this disturbance.

Pennsylvania has no sympathy with the ultra Abolitionists. She has within her borders no fanatics as a body. She may have, and doubtless has, a few individuals who join in these movements of the ultra Abolitionists; but they have no aid or countenance from the great body of her intelligent people. A very few men—honest and well-meaning, no doubt—sympathise with the Senator from New Hampshire in doctrine and feeling; but the masses of the people are entirely willing to leave the domestic institutions of other States where they properly belong—in their own hands. They feel that they have no right whatever, under the Constitution, to interfere with them. What they claim for themselves, they cheerfully accord to others—the right to regulate their own affairs. They are opposed to slavery in the abstract, and have long since abolished it within their own borders. They are willing, as they should be, to let other States act for themselves in this and other domestic matters.

I am not surprised at the feeling evinced upon this subject by Southern Senators. It is natural, and not to be wondered at. We have seen a vessel come within sight of this Capitol, upon which floats the proud flag which, I trust, will ever remain as the emblem of our happy Union, and, in the dead of night, decoy and carry off nearly a hundred negroes, the property of citizens of the District. They feel, that if such a state of things is tolerated here, in the very presence of the Government, to them the guarantees of the Constitution are utterly useless—the safeguards and compromises upon which they have been relying are only mockery. I differ, *in toto*, from the Senator from Illinois, with regard to the effect of the agitation of this question. If anybody is injured by it, it must be the Senator from New Hampshire and his friends. Nor do I believe that this body should be deterred from discussing any question, from a fear of its effect upon the Presidency. The South, as well as the North, have interests which they value infinitely above the mere question as to who shall fill the Presidential chair. And why shall they, therefore, not be excited? In the excitement growing out of the recent outrage, to which I have alluded, the Senator from New Hampshire has gravely introduced a bill, purporting to be a bill to protect the property of citizens of this District; but, rightly viewed, it is a bill calculated to encourage similar outrages. What could have induced him to introduce such a measure at this moment of excitement? He has brought forward this question to-day, as he does often, for his own amusement. It can do no good, except, perhaps, to extend his popularity.

Mr. Hale. I call the gentleman to order.

The Presiding Officer. Will the Senator reduce to writing his point of order?

Mr. Hale. Certainly. The words are these: "The gentleman from New Hampshire has introduced this measure, as he has many others, for his amusement."

The Presiding Officer. In the opinion of the Chair, the Senator is not out of order.

Mr. Hale. I must take an appeal from that decision.

[The question being put upon the appeal, the decision of the Chair was sustained—ayes 23, noes 5.]

Mr. Cameron. The bill itself is wholly uncalled for. No citizen of the District has called for it; and it would be unjust to force upon them a law for which they had not asked, to say nothing of the inapplicability of its provisions to the circumstances of the District. Whenever any such measure is needed, the people of the District will ask for it; and, when properly digested by the committee through which they are represented here, it will receive the due consideration of Congress.

But I rose only for the purpose of putting my State right on a point or two on which her position seemed to be misapprehended—not to discuss this question at length. She needs no vindication at my hands. Her citizens are an intelligent and reflecting people, strongly attached to the Confederacy under which they have prospered so greatly. They will abide by the Constitution to the last. An occasional excitement may for a moment have misled a few of her citizens; but it has ever been only momentary, and has passed away with the occasion. Much of the recent excitement on this subject may be fairly attributable to the far-famed Wilmot Proviso. That is now numbered among the things that are passed, and its results will soon be forgotten. Famous as it was for a time, there are none now in Pennsylvania so poor as to do it reverence. An occasional occurrence may give it a temporary importance. Some one may take hold of it, as heretofore, to give himself a local popularity or a general notoriety. He may be encouraged by a recent appointment here, which seems like a reward for having agitated this question, and procuring the instructions by a Legislature to her Senators to vote for it in this body. But that will amount to very little in the end, and will die forgotten as a dream. I move that the Senate adjourn.

The motion being temporarily withdrawn—

Mr. Calhoun said: I rise simply to state upon what grounds I made the assertion that the act of Pennsylvania was similar to the act of New York, but did not go so far. The act of New York makes it penal even for the citizens of New York to aid the Federal officers. The act of Pennsylvania does not, but makes it illegal for her magistrates and citizens to co-operate, except with the Federal officers. Now, the provision of the Constitution of the United States requires an active co-operation, on the part of the State, its citizens, and magistrates, in the delivery of fugitive slaves; and anything short of that is a violation of the Constitution, and calculated to destroy the efficiency of the law of the United States in reference to that subject. To that extent, the law of Pennsylvania, as well as that of New York, is unconstitutional.

Mr. Crittenden. What is the motion pending?

The Presiding Officer. The Senator from Pennsylvania made a motion to adjourn, but gave way to the Senator from South Carolina.

Mr. Crittenden. I intend to renew that motion. I think, after the excitement we have all witnessed to-day, we will be better prepared to decide, with the deliberation which usually marks the proceedings of this body, at a future session. I move, therefore, that we now adjourn.

Mr. Benton. Will the gentleman withdraw the motion for a moment? I move that the paper be printed.

Ordered, That the bill be printed for the use of the Senate.

Mr. Johnson, of Maryland, then gave notice, that, should the Senator from New Hampshire have leave to introduce his bill, he would move the following resolution:

Resolved, That the committee to whom was referred the "Bill relating to riots and unlawful assemblies in the District of Columbia," be, and they are hereby, instructed to amend the said bill by inserting a section in the same for the effectual protection, by penal provisions or otherwise, of citizens of this District, and other citizens of the United States, in the undisturbed possession and ownership of their property in slaves in such District.

On motion, the Senate then adjourned.

PAYMENT FOR SLAVES.

SPEECHES OF MESSRS. TUCK AND GIDDINGS,

IN THE

HOUSE OF REPRESENTATIVES,

MAY 13, 1848,

On the Bill to pay the Executrix of Benjamin Hodges, deceased, for a Slave who left his master in Prince Georges County, Maryland, in August, 1814, and was supposed to have escaped on board the British Fleet.

SPEECH OF MR. TUCK,
OF NEW HAMPSHIRE.

The report of the Committee on Foreign Affairs accompanying a bill for the relief of Executrix of Benjamin Hodges, praying for compensation for a slave, who escaped to the British army from Maryland, in the year 1814, having been read,

Mr. TUCK rose and said:

I know too well the importance to individuals, of having their claims against the Government, not only allowed, but allowed promptly, to be willing to interpose any captious or frivolous objection to the one now under consideration. I have carefully examined the report which has been read, and also such documents and papers in the archives of the Government as I thought would aid me in coming to a just and satisfactory conclusion upon the nature and merits of this claim; and I am constrained to say that I find the demand unsustained, either by law, precedent, or principle. The amount is inconsiderable, and might deserve to occupy the attention of this body but a short time; but the principle involved—that of taking the funds of Government to pay for slaves, who in time of war have escaped to the enemy—is of great importance, and especially at the present time, when the precedent for such an allowance would lead to a multitude of new demands upon the common treasury of the nation.

The three facts set forth in the report, and which are to constitute the reasons for voting for the bill introduced by the committee, are stated thus:

"1. The Committee are satisfied that the negro man, Phil, belonging to the husband of the petitioner, was taken off by the British army, on its return from Washington City to the fleet, then lying in the Patuxent.

"2. That the owner of said slave has never regained him.

"3. The Committee are advised that there remains unapplied a residue of the funds obtained under the treaty of Ghent, for the express and only purpose of indemnifying losses of this character."

In regard to the first and second of these reasons, I say that they are entirely immaterial, and that their existence or non-existence cannot constitute any of the elements of a just demand upon the Government. The escape of slaves to a Power with which we are at war, and the consequent loss of property to the alleged owners, is not a case which invokes our sympathy with the master, or authorizes our action in his behalf. To grant the indemnity demanded, would be a new encroachment upon the Constitution, by which the General Government was intended to be kept disconnected with the institution of slavery. I am surprised that a Committee of this House, at a time when discussion upon the subject of slavery is so much deprecated, should lay before us a report that imposes the alternative of examining the character and claims of that institution, and of repudiating its unjust pretensions, or of sitting, in craven subjection, and voting the money of our constituents for hateful and infamous purposes. Why is it that gentlemen who are loud in their complaints and fierce in their imprecation against those whom they charge with introducing slavery into this hall, should give their sanction to a claim which necessarily forces the free States into dishonorable subjection, or rouses them into indignant opposition. I can account for it on no charitable supposition, except that in the press of business it has escaped that critical attention which its importance demanded.

In regard to the third reason stated, I say that, if the Committee were advised of what they allege, (which I will not deny,) they were advised of what has never had any existence in fact. There does not "remain unapplied" any "residue of the funds obtained under the treaty of Ghent;" nor were any funds ever obtained by this Government, for the "purpose of indemnifying losses of this character." If the Committee acted upon any such representations, they could not have derived their knowledge from any authentic source, and were grossly misinformed. I trust that the importance of the principle involved in this claim will be a sufficient apology for detaining the Committee, by reading such documents as are necessary to be understood, in order to judge correctly of its merits. It is well known, that by the treaty of Ghent, concluded December 24th, 1814, peace was established between the United States and Great Britain. The first article in that treaty is the only portion necessary to be referred to for our present purpose; it contains the following clause:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be claimed on account of any Revolutionary; no [illegible] as an inex-

the war, or which may be taken after the signing this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, *or any slaves or other private property.*"

I call particular attention to the last line of this clause, because that portion produced protracted negotiations between the two Governments, and assumed an importance beyond what would have been expected, from the modest and almost accidental manner in which the idea indicated seems to have got into the treaty. All the claim which our Government ever made upon England under the stipulation of the whole clause, excepting the last line, did not amount to fifty thousand dollars; while this last line gave birth to claims on England for runaway slaves, to the amount of more than eleven hundred and fifty thousand dollars—being vastly more than either party had any conception of at the time of concluding the treaty. Having, however, signed the bond, there was no escape; and the English, whatever their notions might be upon slavery, found themselves liable to a claim for the value of more than two thousand fugitive slaves. The demand for satisfaction was urged by our Government, and was resisted by that of England. The stipulation was not absolutely definite, though it was certain to some extent. Voluminous correspondence took place, and negotiations were pending until October 20th, 1818, when a Convention was entered into between the two Governments, which gave hope of an early adjustment of the difficulty. The nature of the disagreement may be inferred from the terms of this Convention. The first article recites the first article in the treaty of Ghent, which I have read, and then contains the following preamble and conclusion:

"Whereas, under the aforesaid article, the United States claim for their citizens, as their private property, the restitution of, or full compensation for, all slaves who, *at the date of the exchange of the ratifications of said treaty*, were in any territory, places, or possessions whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen, whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of, or full compensation for, all or any slaves as above described, the high contracting parties hereby agree to refer the said differences to some friendly Sovereign or State, to be named for that purpose. And the high contracting parties further engage to consider the decision of such friendly Sovereign or State to be final and conclusive on all the matters referred."

It will be seen that the claim of the United States was confined to such slaves as were in possession of the British on the date of signing the treaty. By the 5th article of the same Convention, the Emperor of Russia was agreed upon as the friendly Sovereign alluded to; and he, on the 22d April, 1822, after hearing the parties, decided that the United States might claim from Great Britain, in behalf of their citizens, "pay for all slaves which the British forces may have carried away from places and territories, of which the treaty stipulates the restitution, in quitting these same places and territories." * * * * "That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above-mentioned territories to British vessels within the waters of said territories, and who for this reason may not have been restored."

This award was confined, without dispute, to the date specified in the claim recited in the Convention, by which the umpire had been agreed upon. The principle having thus been determined, by which the amount of the claims should be estimated, the two Governments entered into a Convention, July 12th, 1822, by the first article of which the parties agreed upon the appointment of two Commissioners and two arbitrators, the latter to be conditionally employed, whose duty it should be to notify the Secretary of State of the United States, and, after publication in the newspapers, to hold sessions in the City of Washington, receive and certify proof of claims under the award, and, from a list to be furnished by the Secretary of State, make report, stating who were actual and *bona fide* claimants, the nature of each claim and its amount, and the sum total of the whole.

By the 3d article in said treaty, it is further provided as follows:

"When the average value of slaves shall have been ascertained and fixed, the two Commissioners shall constitute a board for the examination of the claims which are to be submitted to them, and they shall notify the Secretary of State of the United States, that they are ready to receive a *definite list of slaves and other private property*, for which the citizens of the United States claim indemnification; *it being understood and hereby agreed that the Commission shall not take cognizance of, nor receive, and that his Britannic Majesty shall not be required to make compensation for claims for private property, under the first article of the treaty of Ghent, not contained in said list.*"

Mr. COLLAMER (in his seat.) Will the gentleman read the last clause of that article again? It is important.

Mr. TUCK. I will, and I invite particular attention to it, inasmuch as it expressly stipulates against any such claim as the one now under consideration. It shows the error of the Committee, in their assumption, that "funds were obtained under the treaty of Ghent for the purpose of indemnifying losses of this character."

"*It being understood and hereby agreed, that the Commission shall not take cognizance of, nor receive, and that his Britannic Majesty shall not be required to make, compensation for claims for private property, under the first article of the treaty of Ghent,* NOT CONTAINED IN SAID LIST."

The Secretary of State of the United States was to furnish to the Commissioners a list of those who made claims against Great Britain under the treaty. There was no restriction whatever upon the number who should be put upon this list; it might contain hundreds or thousands of individual names; it might embrace any number of just and any number of unjust demands. It was left entirely to the discretion of our Secre-

tary to fill the list, after extensive advertisements in the papers, according to his own sense of justice and propriety. This list was to be delivered to the Commissioners, whose duty it was to receive and estimate the proof presented by each individual whose name was contained upon it. The only restriction as to the extent of liability of Great Britain was, that they should not be answerable for any claims "not contained on said list." There is no pretence that the claim now before us was on said list, or was either presented to the Secretary or to the Commissioners; or, indeed, was ever heard of, till twenty-five years had elapsed from the time of the loss. There is no evidence that the slave was in possession of the British at the date of the treaty; and the presumption is that he was not, else the claim would have been presented at the time. What interest, then, has this claimant in a sum of money received for the benefit of other persons?

The sixth article in the Convention of July 12, 1822, demonstrates the misapprehension of the Committee, in recommending to allow to this petitioner a dividend of the money recovered. I will read from this Convention:

"ART. 6. The decision of the two Commissioners, or of the majority of the board, as constituted by the preceding articles, *shall in all cases be final and conclusive*, whether as to *number, the value, or* THE OWNERSHIP of the slaves, or other property for which indemnification is to be made. And his Britannic Majesty engages to cause the sum awarded to each and every owner, in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times, and at such place or places, as shall be awarded by said Commissioners, and on condition of [illegible] releases or assignments, to be given as they [illegible] direct."

No language can make a case plainer than this. Our Government were the mere agents in liquidating the claims of a certain number of our citizens, and obtaining a stipulation from a foreign Government, to pay those citizens their several demands, as certified on a list to be made out. Until after 1822, it was not contemplated that Great Britain should pay the money to our Government, but should pay the citizens individually, taking their personal discharges as vouchers for the same.

The Commissioners performed the duty of their appointment, and reported a list of claims in favor of a great number of individuals, with the sums due to each, the whole amounting to $1,204,960. This business did not come to a conclusion till 1826, when, the amount having been settled, Great Britain became anxious to avoid the trouble of paying out a large number of comparatively small sums, while our Executive was desirous to promote a convenient settlement of the demands in favor of the citizens of the United States. Accordingly, a new and final Convention was agreed upon, November 14, 1826, by which England agreed to pay, and did pay to our Government, the full amount reported, and received a full discharge from all claim under the treaty. Such is the history of the fund, as the Committee please to call it, upon which they are of opinion that this petitioner has a claim. It will be perceived that there is no such fund as the Committee imagine; but that the money obtained is the property of individuals; and that if any balance remains in the Treasury, it stands to the credit of individuals, who may at any moment call for and receive the same. Could we appropriate the sum recommended to this petitioner, we should actually take the private property of one person, and give it to another.

But this claim ought not to be recognised, because it does not appear that it was such an one as could have been embraced in the stipulations of Great Britain, had it been presented to our Secretary of State and the Commissioners. Great Britain was liable for only such slaves as were in their possession, on land or sea, on the date of signing the treaty. It does not appear that the slave in question remained on board their fleet until December, 1814, and it is by no means probable that he did. The only fact that we know from the report is, that the slave went away; but whether by the invitation or by the compulsion of the English, does not appear; whether he remained on sea or land, a prisoner or a guest of the commanders of the army, whether he was white or black, is not reported. The fact that he was a slave, and became a free man, is made out; and on this fact we are asked to prove our sympathy by taking the common treasure of the country to indemnify the owner.

I have thus far examined this claim as I would that of any other claim for the destruction or loss of property; and I think that I have shown that it comes within no stipulation or obligation which we are authorized to recognise. But, sir, I resist the claim on other grounds. I deny that one man can have property in another. Such an assumption is contrary to the law of nature and of God, and I repudiate and discard it, here and elsewhere, now and forever.

Acting as a member of this body, and as a citizen of the United States, I am under no obligation to do violence to my reason or to the laws of God; and whenever I am asked to lend my assistance to any claim for the pay of slaves, I shall resist, on the ground that men are not property——

Mr. RHETT. I inquire of the gentleman, whether the right of property in slaves is not recognised in the Constitution of the United States?

Mr. TUCK. No, sir; on the contrary, the idea is excluded. The Constitution is a guaranty of Liberty, and not of Slavery. The Declaration of Independence is the foundation upon which the Constitution stands, and that declares that "all men are created free and equal, and have certain *inalienable* rights, among which are life, liberty, and the pursuit of happiness." The Constitution contains nothing different from this. Slavery existed in this country at the time of forming the Constitution, but the fact cannot be proved from anything contained in that instrument. All men are created free; Liberty is the gift of God, and not the boon of any earthly power. These truths lay at the foundation of our Revolutionary achievements, and they can never be safely lost sight of in the progress of our career. If the gentleman will consult the debates in the Convention to form the Constitution, he will find that the language of those parts of it, which are supposed to refer to slavery, was adopted in preference to any other, because that, by this language, the idea would not be countenanced that one man could have property in another. In the days of the Revolution, there were no advocates of slavery; no statesman who did not deplore slavery as an inex-

pressible evil. They drank too freely from the unadulterated fountains of Liberty, Truth, and Humanity, to countenance any such notion. I hold in my hand slaveholding authority that those who formed the Constitution guarded against the idea that there can be property in man. In the Madison Papers, where Mr. Madison reports the discussions in the Convention, I find the following, as a part of the discussion on that clause which alludes to the migration or importation of persons:

"Mr. Gerry thought we had nothing to do with the conduct of the States as to Slavery; *but we ought to be careful not to give any sanction.*

"Mr. Sherman was opposed to any tax on slaves imported, as making the matter worse, *because it implied they were property.*

"Mr. Madison *thought it wrong to admit in the Constitution the idea that there could be property in man.*"

The clause was then modified from its original shape, agreeably to the wishes of Mr. Madison, and adopted as it now stands. It is by the assumption and aggressions of the Slave Power that the Constitution is come to be spoken of as containing compromises in favor of slavery. It was only by being kept out of the Constitution, that slavery was saved from express condemnation. The whole spirit of the Declaration of Independence and of the Constitution is one withering blast of condemnation of all such establishments as imply human bondage. If it were not so, we have come to that age of the world when we should strike for a better Declaration and a better Constitution. No, sir; the Constitution does not recognise property in man, and Congress have no power to act on that abominable presumption.

This idea of property in man being recognised in the Constitution, is repudiated by the Supreme Court of the United States. In Groves *vs.* Slaughter, 15 Peters's Reports, 449, Judge McLean uses the following language: "If slaves are considered in some of the States as merchandise, that cannot divest them of the leading and controlling quality of persons, by which they are designated in the Constitution. The character of property is given them by the local law. This law is respected, and all rights under it are protected by the Federal authorities; *but the Constitution acts upon slaves as persons, and not as property.*"

Mr. Burt. I deny such to be the law; the gentleman does not state it correctly. I challenge any gentleman to prove such sentiments to be held by the Supreme Court.

Mr. Giddings. I accept the challenge, and, at the proper time, I will maintain it, not only by the authority of *Groves vs. Slaughter*, but by other decisions.

Mr. Tuck. Let me inform the gentleman from South Carolina that what he finds fault with is the exact language of the reported decision; and if he makes any controversy upon the point, it is with the Supreme Court, to whom I pass him over for satisfaction.

Mr. Bayly. The Supreme Court have regarded slaves as property, in many cases, and they will do so again. The history of this Government settles the question that slaves are property.

Mr. Tuck. The history which the gentleman from Virginia so often talks about on this floor is apocryphal. The true history of liberty in this country tells a different story from any which that gentleman can ever understand. As to his points of law, stated to-day or at other times, they are a chapter of errors, and deserve to be published under that title. I allege, without fear of contradiction, that the Supreme Court have in no case, *in respect to the Constitution of the United States*, regarded slaves as property. When administering local law, according to the statutes of the several States, the Court have decided questions as they have arisen; they have never decided that the Constitution of the United States acts upon slaves as property. On the contrary, the Court have adopted a different doctrine, and I refer to the cases *Groves vs. Slaughter* and *Prigg vs. the Commonwealth of Pennsylvania*, 16 Peters's Reports. The gentleman from Virginia [Mr. Bayly] says that the Court never will decide as I have stated. Let me tell that gentleman, that the legality of slavery in the District of Columbia will soon be brought before the Supreme Court, and his prophecy tested; I shall be much disappointed, as well as chagrined and grieved, if they do not decide that slavery in this District is unauthorized and criminal.

The Constitution was formed for specific objects, which are stated in the preamble to be—"to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and *secure the blessings of liberty to ourselves and our posterity.*" To establish or continue slavery was not among these objects. Congress is restricted in the Constitution from suspending the writ of habeas corpus; and slavery can be made legal only by a legal suspension of this writ, so far as the persons to be enslaved are concerned. Have Congress power to establish slavery in the forts, navy yards, arsenals, and dock yards of the United States? If not, I deny that they can do it in the District, as they have attempted to do by re-enacting the slave laws of Maryland and Virginia. But I have not time to enlarge on this topic, and I have already spoken longer than I intended or should have done, but for the interruptions I have encountered.

Before I close, I will say a few words in regard to the charge of fanaticism, and unauthorized agitation, which is constantly made against a few members of this House. This charge is made principally by men holding sentiments similar to the gentleman from Tennessee, [Mr. Haskell,] who, a few days ago, declared, in his place, that one item in his creed is, that "negroes are made for the use of white people." It also comes from those who, as lately resolved by the members of the South Carolina Legislature, "believe it to be a problem, yet to be solved, whether any Republic can long exist that does not recognise slavery as one of its institutions." Sir, I throw back the charge of fanaticism, and I tell these assailants, that the sentiments they utter are not only fanatical, but unspeakably abhorrent to every enlightened and true republican, and disgraceful to the age in which we live. There is not a schoolboy in the North who would not regard such sentiments with disgust, and treat their authors with contempt. It is not the fanaticism of Abolition, but the fanaticism of Slavery, that introduces agitation, and disturbs the harmony of this body and of the nation.

At the outset of this session, the subject of sla-

very was embraced in the annual message of the President, recommending Congress to take the People's money and pay for the losses of Spanish pirates, in their unsuccessful attempt to enslave the Amistad negroes. The first speech made in this Congress was an elaborate, talented, and, I may say, eloquent advocacy, (so far as a man can be eloquent for such a purpose,) of the institution of slavery. Since then, we have had the resolutions in favor of the French Republic, during which twenty speeches were made, and seventeen out of the twenty were in defence of slavery. We have also had a discussion, growing out of the late attempt for freedom of seventy-eight people of this District, during which many speeches for slavery and only one for freedom was made here; and still Slavery lifts its hideous head, and hypocritically cries out, oppression!

Let this false, insincere, and hypocritical pretence be abandoned. There is not a gentleman here, who does not see slavery constantly forced upon the attention of Congress, and who does not know that the speeches in opposition to it have been made in self-defence. I bear witness to my friend from Ohio, [Mr. Giddings,] that his eloquent appeals in behalf of liberty, and his withering denunciations of oppression, have been called forth, in every instance, by the aggressive action of the slave power. It has only been when that cruel influence has attempted a new and fresh inroad upon the Constitution, that his strong arm has been upraised to resist the assassin attack. May his voice long be heard, uttering in our ears the words of truth and freedom, and his arm long continue the terror of those who make slavery the corner-stone of our national policy.

Sir, the opinions of the Anti-Slavery portion of this House are the most conservative of any uttered upon this floor. We resist the effort to have the General Government take cognizance of the institution of slavery. We remonstrate against your attempt to extend the jurisdiction of Congress to that in which we will consent to have no part, and from which we, and our constituents, have a right to be exempt. Keep to yourselves the blessings, responsibilities, sins, and expenses of slavery. We will neither touch, taste, nor handle. Compulsion alone shall bring us into any connection with an institution which we abominate as the sum of all villanies. Will you, sir, override the Constitution, and force upon us a jurisdiction which we resist? If so, I give you timely warning, that the People will not take a jurisdiction for partial purposes. If you now compel them to legislate to support, they will presently legislate to destroy. Give the People leave to criticise, and they will furnish a criticism which the South will look upon with terror.

One remark more, and I have done. The advocates of slavery threaten a dissolution of the Union, unless we grant all they ask. I may not believe so implicitly in the perpetuity of the Union as some do, but I have not so contemptible a notion of the stability of the Government, as to believe that these gentlemen have the power to put an end to it. I do not attribute to all Southern gentlemen the advocacy of slavery, and the puerile threats which some of them so freely throw out. To these last I say, that when you have unburdened yourselves of your ill-tempered bravado, and convinced your constituents that you mean anything by your threats of disunion, you will find, to your astonishment, that Union candidates will spring up at home, and you will be permitted to go into unwelcome retirement and unresponsible obscurity. But if it were not so, and you could arouse the two hundred thousand slaveholders into any serious attempts to dissolve the Union, I have not the slightest doubt that a little hemp, judiciously employed, would put an end to your fanatical notions on the subject of dissolution. We would not administer the remedy by the aid of mobs, as advocated by some of these threatening patriots, but we would furnish the spectacle, always sublime, of a community vindicating itself by institutions established by the Constitution and laws, and operating as a terror to evil-doers, and a reward to those who do well.

SPEECH OF MR. GIDDINGS,

OF OHIO.

Mr. GIDDINGS remarked, that the recommitment of the bill, in order to obtain a report of the facts involved, as proposed by the gentleman from Vermont, [Mr. Collamer,] would be equivalent to a rejection of it. No (said he,) we must take the case without proof, or we must reject it. There is not a scintilla of legal evidence in the case.

Mr. CHAPMAN desired to explain, (Mr. Giddings yielding the floor,) and said he would refer the committee to the affidavits on file: there were three of them.

Mr. GIDDINGS resumed. He said he would assure the gentleman from Maryland that he had carefully examined those affidavits. Not one of the witnesses attempted to speak to any fact within his knowledge. They each referred to what they had heard other persons say, who knew no more in relation to the matter than the witnesses themselves. I repeat, (said he,) we have no proof to a single fact involved. If we legislate on the subject, we must do so in utter ignorance of all the circumstances atter - it. Yet I do not regard that as a matter of much importance, when compared with the principles involved. Before I enter upon an examination of the case, however, I wish to say that the charge which Southern members have raised, that Northern gentlemen have introduced the subject of slavery into this debate, was not unexpected to me. It is in strict keeping with their usual practice. What are the facts? A slaveholder introduces a bill appropriating the money of the nation to pay for human flesh. My friend from New Hampshire objects to its passage, for the reason that he is unwilling to have the burdens of that institution thrown upon the people of the free States, and straightway five Southern members follow him in debate, each charging him with introducing the exciting subject of slavery into the discussion. Do gentlemen suppose they can thus mislead the public? Do they believe that we shall sit here, with silent tongues and sealed lips, and suffer such bills as this to pass this body? I assure them, most respectfully, that we shall oppose all attempts to involve our people in the expense, the guilt or disgrace of slavery. No Northern man has ever, to my knowledge, introduced that question here, except for the purpose of separating the people of the free States from its support. No, sir! if any Southern man can point to an instance in which members from the North have brought the ques-

tion of slavery into this hall, except to defend our people from the encroachments of that institution, let them now rise and sustain their charges with proof. [Mr. G. paused a moment, and then resumed.] Mr. Speaker, where are those gentlemen who made these charges? Why, sir, "they now roar you gently as sucking doves."

I now proceed to examine the case before us. I repeat, that the claim is entirely unsupported by proof. But the petitioner states that she is the widow of Benjamin Hodges, late of Maryland; that he owned a slave who, in 1814, was taken away in August of that year by the British army, on their return from this city to the Chesapeake bay. Now, sir, this statement of the case gives the petitioner no claim upon this Government, unless we have become holden by some act of ours. This seems well understood by the petitioner, and by the committee who reported the bill. They therefore refer to our treaty of peace with Great Britain, signed at Ghent on the 24th December, 1814; the first article of which provides, "that each party shall evacuate all territory, places, and possessions, taken during the war," "without destruction, or carrying away any of the artillery or other public property originally captured in said forts or places, and which shall remain therein upon the exchange of ratifications of this treaty, *or any slaves or other private property.*"

Our Government claimed, under this treaty, that England should pay our slaveholders for all slaves taken from our shores by the British fleet *when they left our coast.* England refused, and the subject was referred to the Emperor of Russia. He decided that the British Government was bound to pay for slaves thus carried away when they left our shores, after the signing of the treaty. This led to the treaty of St. Petersburg, dated the 17th June, 1822, by the first article of which provision is made for establishing a board, consisting of two commissioners and two arbitrators, to determine the claims presented by the people of this Government. This board were constituted the joint agents of both Governments. His Britannic Majesty appointed one commissioner and one arbitrator; and the President of the United States, by and with the advice and consent of the Senate, appointed the other commissioner and arbitrator. England never trusted this fund to Congress for distribution; that was to be done by the joint commission. The second article provided for the ascertaining of the average value of slaves.

The third article reads as follows:

"When the average value of slaves shall have been ascertained and fixed, the two commissioners shall constitute a board for the examination of the claims which are to be submitted to them; and they shall notify the Secretary of State of the United States that they are ready to receive a definite list of the slaves, and other private property for which the citizens of the United States claim indemnification; *it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that his Britannic Majesty shall not be required to make payment for any claim for private property not contained in said list.*"

There is no pretence that the slave in question was named in said list. The report of the committee admits that he was not. [Calls from various parts of the hall were made for the reading of this article again. Mr. G. again read it, and proceeded.] This, sir, was our distinct compact with Great Britain. We solemnly stipulated that no claims should be made on that Government, nor should she be required to make compensation for claims *other than those contained in the list furnished by our Secretary of State.* To-day we are called on to appropriate this money to the payment of other claims. We are asked to violate this solemn treaty, to disregard the pledged faith of the nation, in order to give this slaveholder the value of the body, of the bones and muscles, the blood and sinews, of his fellow-man.

But, sir, in order that no room for cavil should be left, the fifth article provided that "the decision of the two commissioners, or a majority of the board, shall in all cases be *conclusive as to number, value, or the ownership of slaves, or other property for which indemnity is to be made.*" They were not only to confine themselves to the list furnished them by our Secretary of State, but their decision upon the claims mentioned on said list was to be entirely conclusive upon the parties.

Under this treaty, the members of this board were appointed, met in this city, organized, took the oath of office, and called on the Secretary of State for the list mentioned. It was furnished; but there was no claim for this slave upon it. They proceeded to examine and adjudicate upon claims presented on said list. When they had completed their labors, they found the amount of all claims allowed *on said list* to be "*twelve hundred and four thousand nine hundred and sixty dollars.*" This was the precise amount of claims *allowed* by the board, who acted as the agents of Great Britain and of the United States. And on the 13th of November, 1826, at London, another convention was entered into, by the first article of which it was provided that his Britannic Majesty should pay to this Government the sum just mentioned, "*for the use of persons entitled to indemnification and compensation by virtue of said decision.*" Sir, to divert this money, or any portion of it, to the payment of other claims, would be a violation of the trust reposed in this Government, a breach of this solemn covenant, and a total disregard of our pledged faith. If there be one cent more than to meet those claims, there has been a mistake or fraud on our part. In 1842, as chairman of the Committee of Claims, I held a correspondence with the Department on this subject, and was then informed that about four thousand dollars of this fund had not then been paid out to those to whom it was due. I now understand there are about two thousand dollars still remaining undistributed. But it belongs to the persons to whom it was awarded, as much as though it were bank stock; and when they or their heirs call for it at the Treasury, they must receive it, whether the demand be made this year or a century hence. The bill, therefore, is nothing more nor less than a proposition to pay for the slave from the public treasury.

The committee who reported this bill admit that the claim does not come within the provisions of the treaty; yet they say the petitioner lost the slave, and they propose to pay for his loss. Sir, shall we pay for all slaves that have been lost? Any other man who has had a slave run away has an equal claim with this petitioner. The owner of any one of the twenty thousand fugitives now in Canada has as much claim upon the national treasure for compensation as the petitioner. If we pay this claim, the money must come from the pockets of the People. The people of the free States must pay at least three-fourths of it. If we pay this, shall we pay for all fugitive slaves?

There are probably thirty or perhaps forty thousand masters who will present claims on us for their locomotive property, each of which is as meritorious as the one under consideration.

Mr. Chairman, at the very moment we are thus called on to legislate for the support of slavery in Maryland and in the other slave States, we are told that we have no power whatever over that institution; that it is so far beyond our control that we must not even discuss its merits. Now, sir, I desire that Southern gentlemen shall take some position, and that they shall remain in it at least during this session of Congress. If we have jurisdiction of slavery in the States, let Southern men admit the fact, and let us at once abolish it from our Union, and wipe out the foul blot that has so long disgraced our national character. If we have not jurisdiction of it, why are we called on to legislate for its support? If it be a State institution, why is it constantly dragged into the discussions of this hall? Why are we called on to take jurisdiction of it? Why are its burdens sought to be cast upon the people of the free States? Why are we to participate in its crimes? A year or two since, we were not permitted to speak our views in regard to slavery, for the reason, as Southern gentlemen then said, that we had no power over it; to-day, they ask us to legislate for its benefit. Yes, sir; it is an established fact, and history will record it, that we are now legislating upon the rights of a master to his slave in Maryland—not at the instance of Northern members—no; the bill was reported by a gentleman from South Carolina, [Mr. Rhett,] and we Northern men sit here with all becoming gravity, and solemnly enter into an investigation of this man's right to the body of his fellow-man in that State. I repeat, sir, we have jurisdiction of this subject, or we have not. I am willing to leave the selection of either horn of this dilemma to Southern men. They may take their choice; but let them choose one or the other. Let us know where to find them. I have at all times denied that we have any constitutional powers in relation to this institution. But if we have the constitutional right to legislate on the subject, and to appropriate the treasure of the nation in the manner proposed, then, sir, let us change the form of the bill before us, and give the two hundred and eighty dollars which it appropriates to the slave instead of the master. That proposition would be much more consonant to my feelings, and is equally within our power, and much nearer our duty. I would go further, and would grant fifty or a hundred dollars to each slave who shall escape from his master, as a bounty for his energy, and to begin the world with. But Southern men will start back with horror at this proposition. Yet, sir, if we are to appropriate the money of our people on this subject, I insist that the appropriation shall be for the promotion of freedom, and not of slavery. I repeat, that I am willing Southern members should choose either position. They may give us jurisdiction of slavery, or they may retain it in their several States. But if they place it in our hands, then I propose at once to abolish it, to strike it from existence. But, sir, I tell Southern gentlemen that we will not take jurisdiction of it to-day, and deny that we have any power over it to-morrow. We will not face to the right, to the left, and to the right-about, at the bidding of the slave power.

Sir, I insist that we have no constitutional power to sit here and appropriate our time to the investigation of this matter of slavery. It is an indignity to the people of our free States. They sent us here for no such object. I say to gentlemen of the South, "*Take care of your slavery in your own way; we will have nothing to do with it.* Its blessings and its curses, its evils and its benefits, its vices, its crimes, its guilt, and its disgrace, are *yours*. Keep them to yourselves. We will not contaminate our moral or our political purity by any participation in them."

Even during this present discussion, gentlemen have complained that we Northern men are striving to extend our power over slavery. This is their perpetual cry on all occasions. Why, sir, from the time I first took my seat in this hall to the present day, I have opposed all attempts to connect slavery with this Government. I repeat what I said a few days since, that as early as 1842 I was driven from my seat in this body for presenting resolutions denying the power of the Federal Government to involve the free States in the support of the coastwise slave trade.

Mr. HOLMES, of South Carolina, interrupted Mr. Giddings, who yielded him the floor. He then stated that Mr. Giddings was not censured for presenting such resolutions, but for presenting a petition for dissolving the Union, and surreptitiously sending it to a committee of this House.

Mr. GIDDINGS resumed. Sir, it is a most lamentable fact, that whenever we speak upon this subject, slaveholders in this House become, for the time being, actually demented. Now, there is not the least doubt that some phantom is haunting the disordered imagination of the gentleman, [Mr. Holmes,] to the effect which he has named. Sir, my resolutions are upon record, and will bear to those who shall follow us the sentiments I have expressed here to-day.

Mr. HOLMES (interrupting Mr. Giddings) repeated what he had previously said.

Mr. GIDDINGS resumed. The gentleman is entirely mistaken; his assertion is false, though surely not so intended.

Mr. GAYLE called Mr. Giddings to order.

The CHAIRMAN (Mr. Sims, of South Carolina) decided that Mr. Giddings had violated no rule of the House.

Mr. GIDDINGS resumed. Sir, I well know the gentleman from South Carolina is incapable of asserting an intentional falsehood. And his persisting in the assertion is conclusive proof of his dementation.* I repeat, that in no instance, from my advent into this Hall down to the present day, have I ceased to oppose all interference with slavery. I have endeavored, to the extent of my humble powers, to separate this Government and the people of the free States from all connection with it. I shall continue those efforts, and thousands and tens of thousands of others are exerting their moral and political influence to effect that object, and we shall not cease our exertions, until, by God's blessing, we shall redeem ourselves and the Government from all support of that institution.

But, sir, I will express my thanks to the gentleman from South Carolina for bringing this subject before us in its present form. It is now un-

* Mr. Holmes sent for the Journal of the House containing the proceedings of Mr. Giddings's censure, and, having examined it, said no more on the subject.

der consideration, and must be disposed of; and I most devoutly thank my God that he has permitted me to see a time when Northern men *must act;* when there is no way of evading this question; when the dough faces of this body will be constrained to vote on this identical question; and that such action will be public, and their votes placed on record, so that their constituents and the country may know and bear witness to the manner in which they meet the question before us. Will they vote to tax their constituents, at the dictation of Southern members, to pay for a fugitive slave who ran away from Maryland thirty years ago? They must do it, or they must refuse to do it. They must now serve God or Mammon. They can no longer act both ways. The subject will soon be decided by the monosyllable *yes* or *no*, to be pronounced by each member.

It has been said that we desire to keep this money in the Treasury. I, sir, have no such wish. God forbid! It is the price of blood. It was obtained from Great Britain by the Executive without consulting this body. The treaties and conventions were negotiated, and the money obtained by the treaty-making power, with which we have no right to interfere. The President and Senate undertook to act as the agent and attorney of those slaveholders. They obtained the money from Great Britain; they have paid out all but two thousand dollars; let them dispose of that as they please. If the gentleman who reported this bill will modify it, so as to let the President dispose of the remainder to whom and as he pleases, I will vote for it. He is a slaveholder; he understands this dealing in human flesh; I do not. Let him have the money, and let him pay it out. *I will have nothing to do with such business.*

I differ from my honorable friend from Vermont, who gave us such a lucid exposé of this treaty and its stipulations. I understood him to say, that if the Committee would take the case again into consideration, and show such facts as will bring this slave within the provisions of our treaty with Great Britain, he will vote to pay for him. Sir, I will do no such thing. I will not, in my capacity as a legislator, acting as the representative of freemen, degrade myself, while sitting in this hall, by an inquiry into the price and value of our common humanity. I will not disgrace my constituents, while acting under their high commission, by entering upon an inquiry as to the title-deeds by which one man holds another as property. I will not sit here to inquire as to the value, in dollars and cents, of human bones and muscles, blood and sinews. No, sir; the history of our legislation shall not bear to coming generations the fact, that the twentieth Congressional district of Ohio, at this age of the world, with the light and knowledge which now beams upon us, was disgraced by its representative in this hall entering upon such an inquiry. My constituents do not estimate man, the child of immortality, created in the image of his God, with his exalted nature, his undying intellect, by the value of sordid dust.

I wish to address some inquiries to the honorable chairman of the Committee who reported this bill. [Mr. Smith, of Connecticut.] He appears to have united in this extraordinary report, which estimates the value of this man at precisely *two hundred and eighty dollars.* That gentleman is from Connecticut—from the very county in which my parents long resided. I should like to inquire of him the price current of humanity in that land of steady habits. By what rule does he arrive at the value of men? Is he governed by the brilliancy of their virtues? By their intellectual endowments? Does he estimate men by their religious devotion, or by their learning? Is he guided by their complexion? If so, which is the most valuable, black or white? Or is a mixture of blood to be preferred? What price, in gold and silver, does he place upon his constituents? How would he sell them? Sir, I feel humbled when I see Northern Representatives consent to enter upon this slave-dealing legislation, and become the instruments of the slave power, to strike down the honor, the dignity, and independence of the Northern States. I appeal to Northern Democrats and Northern Whigs. By what rule are you governed when you decide upon the value of your brother man? When inquired of by your constituents as to your estimate, will you say that he was valuable on account of his political principles? That he was a supporter of Mr. Polk, or of Mr. Clay? And when they ask you if you believe that "self-evident truth, that *all men are born equal*," what will be your answer? Will you, like honest men, admit that you have contributed your vote to take the money from their pockets to pay for Southern slaves? If you do, I apprehend they will tell you, hereafter, to deal on your own account, while trading in human flesh, and not to use their funds for such purpose.

But this bill is based upon the principle, that under our Federal Constitution man may hold his fellow-man as property. I speak not of the slave States, but of the Federal Government. I deny that we possess the power, under the Constitution, to imbrute our fellow-men and render them *property*—that we have power to disrobe man of the dignity in which he was created, tear from him the rights which God has given him, and deliver him over to the arbitrary will of his brother-man, to toil at another's bidding, cringe beneath his owner's lash, tremble at his frown, and be sold at his will. Such powers have not been granted us by the people of this nation. Such doctrines cannot find support in this hall at the present age of the world.

Mr. HOLMES, of South Carolina, interrupting Mr. GIDDINGS, said that the Southern States would hold their slaves as *property*, in spite of any act of the Federal Government, or the efforts of Northern Abolitionists.

Mr. GIDDINGS. I have nothing to do with the Southern States; they control their own policy; their barbarism has no relation to my duties as a member of Congress. If they see fit to make one-half of their people the property of the other half, we cannot interfere with their laws. If, with the inhabitants of the Fejee islands, they become cannibals, and eat each other, we have not the power to prohibit such revolting practice by our legislation. All we can do is, to see that they shall not disgrace nor degrade this Government, nor the people of the free States, either by their slavery or their cannibalism. Our motto is, "Keep your slavery, your disgusting barbarity, within your own States! Bring it not into this hall, nor attempt to involve us in its burdens or its crimes." I repeat, that we are not now acting under the constitutions of either of the slave or

of the free States, but under our *Federal* compact. The formation of that instrument was preceded by a long and ardent struggle for freedom, for the rights of humanity.

In looking back to the darker and more barbarous ages, when war was regarded as the only honorable employment of mankind, we find that slavery existed; and the prisoner captured in war, and held as a slave by his captor, was considered as *property*. At that period, when moral darkness enshrouded the minds of men, and shut out from them an understanding of their natural rights, the opinion that slaves were property was general, and no one doubted its correctness. I say *no one*. I mean none but the learned. I except the philosophers; for Aristotle, in his day, with a mind enlightened by study and reflection, although he lived in a barbarous age, long prior to the Christian era, denied the doctrine so zealously maintained in this hall to-day by Southern gentlemen. The Immaculate Nazarene declared that one object of his divine mission was, "*to proclaim liberty to the captive.*" He, too, combated this doctrine of oppression, which, through ages and centuries of intellectual darkness, robbed a portion of our race of their inalienable rights, and which is now advocated in this body with more zeal than it was among the Jews eighteen hundred years since. Even at a comparatively recent period, some learned and intelligent men held to this doctrine, now so abhorrent to every friend of freedom. As late as 1749, Lord Hardwicke, of England, held that trover lay in the English courts for a slave brought from the West Indies into England. When, in 1766, Granville Sharpe published his first essays, denying this doctrine, it was looked upon as ultraism, as opposed to the doctrine of English law, to the principles expressed by Lord Hardwicke, and Sharpe was regarded as a fanatic. At that time, no lawyer dared to rise in a British court and deny that man could hold property in man on British soil. When, in 1769, Sommersett was brought up before Lord Mansfield on a *habeas corpus*, and the sole claim for his freedom was the great fundamental truth, that God had created him free, and that no positive statute existed in England by which he could be deprived of that liberty which God had given him, his lordship saw the force of this heaven-born truth; his brilliant mind comprehended its bearing, and the effect it must have on mankind. Still he hesitated, remanded Sommersett, and endeavored to avoid a direct decision of the point by advising the parties to compromise the matter. For more than two years he refused to declare the opinion of the court. At length he gave judgment in favor of the natural and inherent right of man to the enjoyment of his liberty. Speaking of slavery, he said, "*it is so odious that nothing but positive law can be suffered to support it.*"

On the 4th of July, 1776, our fathers assembled in solemn convocation, denied the doctrine so strenuously advocated here to-day, and with unanimous voice proclaimed it a "*self-evident truth*" that "*all men are born equal; that they are endowed by their Creator with certain inalienable rights; that among those rights are life, liberty, and the pursuit of happiness.*"

Sir, no evasion, no sophism, can break the force or impair the perspicuity of this language. It proclaimed slavery to be a transgression of the laws of nature and of nature's God. These undying truths took strong hold upon the public mind of this nation, and of civilized man. They strike at the existence of property in man. Wherever these truths are acknowledged, slavery itself cannot exist.

Eleven years after these doctrines were recognised as the basis of American liberty and government, the present Constitution was adopted. The framers of that instrument had passed through a seven years' war, had encountered danger and toil, and great suffering, to establish upon a permanent basis the doctrines they had proclaimed in 1776. We have now reached an important period of our history, as regards this doctrine of *property in man*.

Mr. Madison, in his Papers, informs us, that on

"Wednesday, August 22, the Convention proceeded to consider the report of the Committee of Detail, in relation to duties on exports, a capitation tax, and a navigation act. The fourth section reported was as follows:

"'No tax or duty shall be laid by the Legislature on articles exported from any State nor on the migration nor importation of such persons as the several States shall think proper to admit; nor shall such migration nor importation be prohibited.'

"Mr. Gerry thought we had nothing to do with the conduct of the States as to slavery, *but we ought to be careful not to give any sanction.*"

Sir, will members from Massachusetts, the successors of Gerry, here to-day, maintain the doctrine which he laid down? Will they refuse all sanction of slavery, by refusing to legislate in its favor? Will they discard the proposition before us, as an indignity to the representatives of freemen? I trust they will. Mr. Madison informs us that "Mr. Sherman (of Connecticut) was opposed to any tax on slaves, as making the matter worse, *because it implied they were property.*"

Sir, Mr. Sherman, that patriot of distinguished ability, of the most unsullied purity, of the highest devotion to our country, would do no act which would sanction slavery, or imply that slaves were property. Since that day, more than sixty years have elapsed. Sherman has long since been gathered to his fathers. His precepts and examples are left on record for our instruction. Light and knowledge have progressed, mankind are advancing in refinement; yet, sir, an honorable member of this House from Connecticut, a successor of her favorite and distinguished Sherman, the present chairman of an important committee of this body, one who has long served here, and who is about to be transferred to the other end of the Capitol, silently unites in reporting to this body a bill to tax his constituents and the people of the North to pay for the body of a fellow-man as property. Sir, when that gentleman gets into the Senate, he and I shall be separated from each other. I shall be unable to follow him there, but I would now remind him of the example of his illustrious predecessor, and I would ask him if he intends to oppose to-day the doctrine of Sherman in 1787?

I cannot withhold the expression of my regret that any Northern member, particularly a Northern Whig of experience, should have tacitly acquiesced in presenting to us a proposition so offensive to every sentiment of freedom.

I appeal to the members from Connecticut to come forward to-day in support of the doctrine which Sherman proclaimed at the adoption of the Constitution. Will they acknowledge, in direct terms, by voting for this bill, that slaves are property under the Federal Constitution? Sherman

would do no act that could imply such an acknowledgment. But let us trace the proceedings of the Convention a little further.

The discussion, it will be observed, turned upon the peculiar phraseology of the second part of the report, which, in classifying slaves as merchandise, seemed to imply that they were *property*. No one expressed a desire that such an idea should be imbodied in the Constitution; on the contrary, there was a manifest desire, on the part of the members of the Convention, to shape the phraseology as to exclude the construction given to it by Mr. Sherman. Mr. Madison, it seems, agreed with that gentleman. He thus reports himself:

"Mr. MADISON *thought it wrong to admit in the Constitution the idea that there could be property in man.*

"Colonel MASON, (in answer to Mr. GOUVERNEUR MORRIS.) The provision, as it now stands, *was necessary for the case of convicts*, in order to prevent the introduction of them.

"Still, the Convention was not satisfied, and it was finally agreed, *nem. con.*, to have the clause read:

"'But a tax or duty may be imposed on such importation, not exceeding ten dollars *for each person.*'

"And then the second part, as amended, was agreed to."

Thus, sir, the Convention that framed the Constitution expressed their denial that slaves were property. They have left no doubt on that point; they would use no language which could leave an implication of the doctrine now contended for by Southern gentlemen. It was discarded by them, but is now urged upon us. "*Mr. Madison thought it wrong to admit in the Constitution the idea that there could be property in men.*"

Sir, the gentleman from South Carolina [Mr. Woodward] asked, with great emphasis, "if any member of that Convention was so *stupid* as to doubt the propriety of holding property in men?" I answer, JAMES MADISON, the father of the Constitution, a Southern man, and afterwards President of the United States, has left on record his denial of that doctrine. I stand here now the advocate of the principle maintained in 1776—maintained by the entire Convention that framed the Constitution in 1787, including the illustrious Madison, and Sherman, and Gerry. Where are the representatives of Virginia to-day? Where the successors of Washington, of Jefferson, of Henry, and of Madison? Sir, the representatives of that "Old Dominion," the mother of statesmen and of States, now stand here as the advocates of oppression, degradation, and abject slavery. They, sir, denying the doctrines of the Constitution—the doctrines of Washington and his compatriots—insist, that one portion of mankind may own the other as *property*. Ah! sir, Virginia has fallen; "the fine gold has become dim." Her sons no longer lead the hosts of freedom; they have become hostile to the sentiments of their fathers; her people breed men, like oxen, for the shambles; drive women to market, and traffic in babes and children; moral darkness broods over her, and physical desolation reigns throughout her dominion.

Sir, these arguments can have little effect upon Southern men. They cannot and will not take any definite position on this subject. *To-day*, they will insist that slaves are not persons, but property. *To-morrow*, should a different question come before us, they will insist that slaves are *not* property, but *persons*. I have for ten years been striving to find out what definite principles Southern men hold on this subject, but I find that they refuse to adhere to any principle whatever. They are sometimes one way and sometimes the other. "Everything by turns, and nothing long," as the saying is. And now, sir, as an illustration of what I have stated, I venture to proclaim that not a member south of Mason and Dixon's line dare rise in his place and say that he adopts the doctrine, either that slaves are persons or that they are property. If such a member be present, I challenge him to rise in his place and say which side of this question he will espouse and adhere to; and I now offer for that purpose to yield the floor. [Mr. Giddings paused.]

Mr. WOODWARD, of South Carolina, rose and stated, in substance, that slaves were regarded as both persons *and* property.

Mr. GIDDINGS. Yes, they are a sort of amphibious animal—neither one nor the other, but composed of both. They are partly *persons* and partly *things*; part human and part inanimate. Well, sir, this I call "*sitting on the fence.*" I was aware that gentlemen could not be provoked to take any fixed position in regard to slavery. The truth is, slavery itself is an anomaly. It is opposed to all moral principle, as well as to natural rights, and can be reconciled to no rule of propriety. But to return to the Constitution. In every instance in which reference to slaves is made in the Constitution, they are termed *persons*. Thus, in fixing the ratio of representation, it provides that "the number shall be ascertained by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all *other persons*." It is clear that the framers not only regarded slaves as persons, but they were spoken of as *other* persons, thus placing them upon the same general basis as freemen. In the ninth section of the first article of the Constitution provides, that "the migration or importation of such *persons* as any of the States shall think proper to admit, shall not be prohibited until the year 1808." &c. Here, again, the language is carefully used to distinguish slaves from property. Again, in the second section of the third article, the Constitution provides: "No *person* held to service or labor in one State, under the laws thereof, and escaping into another, shall, by any law or regulation thereof, be discharged from such service or labor." Thus, in every instance in which the Constitution refers to slaves they are designated as *persons*, contradistinguishing them from property. We are not only informed that the framers regarded it as wrong to admit in the Constitution "that there could be property in man," but they carefully employed such language, in framing that instrument, as to preclude such a presumption. So clear have they left this subject, that no man who examines it can have doubts. Nor is the subject left at this point. The construction of the Constitution belongs to the judicial branch of the Government.

In the case of Groves *vs.* Slaughter and others (15 Peters's Reports, 449,) this question came distinctly before the Supreme Court of the United States. The constitution of Mississippi had prohibited the introduction of slaves into that State after a certain day. Slaves were taken there and sold on a credit, after the time allowed by the constitution of that State. Suit was commenced on the note given in consideration of the slaves. The defence set up, that the contract was illegal and void under the constitution of that State which prohibited the sale therein of slaves from without the State. The reply to this was, that

slaves were *property*, and therefore the State of Mississippi had no power to prohibit their introduction into the State, as the power to regulate commerce between the States belonged only to Congress. In deciding the law, Judge McLean said:

"By the laws of certain States, slaves are treated as property; and the constitution of Mississippi prohibits their being brought into that State by citizens of other States for sale or as merchandise. Merchandise is a comprehensive term, and may include every article of traffic, whether foreign or domestic, which is properly embraced by a commercial regulation. But if slaves are considered in some of the States as merchandise, that cannot divest them of the leading and controlling quality of persons, by which they are designated in the Constitution. The character of property is given them by the local law. This law is respected, and all rights under it are protected by the Federal authorities; but the Constitution acts upon slaves as persons, and not as property."

If slaves be property, slave markets may be opened in Boston, and Massachusetts will have no power to prohibit these revolting scenes which are witnessed in this city. If the doctrine contended for by Southern men be correct, no State can exclude slave markets from its territory, or consecrate its soil to freedom. It well becomes Southern gentlemen to examine this subject before they base themselves upon the principle that slaves are property. Let that be established, and Congress will have power to prohibit the internal slave trade at its pleasure. We may then take slaves from their masters, as we do other property.

Gentlemen from the slave States, being accustomed to regard slaves as property, under their State laws, draw no distinction between the laws of the slave States and those of the Federal Government. Persons educated in the slave States, coming into the office of President, or into either of the Executive Departments, or into either House of Congress, are likely to bring with them the views imbibed in such States. Thus we find that in some instances the President of the United States and other officers of the Government have, at times, without examination, regarded slaves as property; and, in some instances, have paid the public funds for such slaves, not only without authority of law, but in opposition to the spirit and letter of the Federal Compact. The same officers, after having their attention called particularly to the subject, have seen their error, changed their practice, and refused to regard slaves as property. So, also, in some of our treaties, slaves are referred to in connection with other property. Such language is used in the treaty of Ghent, to which I called the attention of this committee in the early part of my remarks. But in these cases the language was employed without reference to the relation which slavery holds to the Federal Constitution, as contradistinguished from the character it possesses under the government of the States in which it exists.

But if we examine the subject a little more closely, we shall find that slaves are not regarded merely as property in any part of the country. In every State of the Union they are punishable for crimes under the State laws. Such is not the case with any species of property. Murder may be committed upon slaves in any State, and the murderer hanged therefor. But no such punishment applies to the killing of any other species of property. Slaves in such States are, however, for certain purposes, under their laws, regarded as a *peculiar kind of property*." But the laws of those States are *local*, and have no bearing upon the relations which the Federal Government holds to the institution. Slavery is the creature of municipal law, and can extend no further than such municipal enactment has force. It is, therefore, strictly confined to the jurisdiction creating it. So strictly is this rule of law observed by courts of justice, that if a slave escape from his master on to free soil, but for a moment, he becomes free forever. Thus, in the case of Forbes *vs.* Cochran *et al.*, (vide 2 Barnwell & Cresswell, 448,) Bayley, justice, remarked, "Slavery is a local law, and therefore, if a man wish to preserve his slaves, let him attach them to him by affection, or make fast the bars of their prison, or rivet well their chains; for the instant they get beyond the limits where slavery is recognised by the local laws, they have broken their chains, they have escaped from prison, they are free." The same principles were decided in the case of Sommersett, (see vol. 20, State Trials,) and are recognised by the courts of the United States, and by those of nearly all of the several States of this Union. *Property* may be taken by the owner from one State to another, or from one nation to another; but if a man voluntarily take his slave or send him to a free State, the moment he enters such State, he becomes a freeman. From that moment the master's power over him ceases, and he can no more be enslaved. The property in such case is instantaneously transformed into a *person*. But to examine this question a little further. Suppose the slaves of South Carolina, or of all the slave States, should rise in the plenitude of their power, assert their own rights, and enslave the whites, they would then become the *owners*, and their present masters would be transformed into property, according to this slaveholding logic. But I find I have no time to pursue this part of the subject further.

The gentleman from Maryland [Mr. Chapman] has cited a case where the twenty-eighth Congress passed a law directing payment to be made to Depeyster and another for a slave lost in the Florida war. This case is cited as a precedent to show that we have recognised slaves as property. I myself advocate the observance of precedents as strongly as any member of this House. I would deal out equal justice to all who apply for it. It is, therefore, proper that we should look to the former practice of this body in relation to the question.

After the close of the late war with England, in the year 1816, a law was passed allowing compensation to the owners of property lost or destroyed in the public service during the existence of hostilities. Pending the bill, an amendment was offered, providing for the payment of slaves lost in the public service. After discussion, the amendment was rejected in Committee of the Whole, only thirty rising in its favor. Yes, sir; at that time, only thirty members of this House regarded slaves as property.

Many petitions were subsequently presented, calling on Congress to pay for slaves killed in the public service, but no committee could be found who would report in favor of such a claim. In 1828–'29, the case of D'Autueire came before the Committee of Claims. The petitioner owned a slave, a horse, and a cart. On the day of the battle at New Orleans, they were pressed into the public service. The slave and horse were killed,

and the cart destroyed, by the cannon-shot of the enemy. The owner then applied to Congress for compensation. The committee reported in favor of paying for the horse and cart, but against paying for the slave. When the bill came up in the House, an amendment was offered, giving compensation for the slave. The subject was debated for weeks. Those who opposed the amendment, based their objection upon the distinct principle that slaves were not property. And the bill was finally laid upon the table by a large majority.

At a more recent period, in 1832, Francis Larche, of New Orleans, presented a claim precisely similar to that just quoted, and it was referred to the Committee of Claims. The committee, in reporting upon the case, say they "had caused examination to be made at the Treasury Department, to see if slaves who had been killed in public service during the Revolutionary War had been paid for; and they learned that no such instance could be found." They also cite many cases in which compensation had been refused. These cases were of the character to obtain the most favorable consideration; but no committee could in that day be found willing to admit the moral and constitutional absurdity, that under our Federal compact slaves could be regarded as property. Yet, sir, they had not the advantages which we possess. "The Madison Papers," setting forth the views of those who framed the Constitution, were not then published; nor had the subject at that time been adjudicated in the Supreme Court. I wish the ear of every member of this body, when I assure them and the country that, from 1789 down to 1842, the committees of this body uniformly rejected all claims for slaves lost in the public service, regarding them as *persons*, and not as property.

In the 27th Congress, the claim of James Watson for slaves was committed to the Committee of Claims, of which I was myself an humble member. The friends of the claim, by some means, learned that that committee had always reported against the payment for slaves. They therefore obtained the transfer of that case to the Committee on Indian Affairs, who reported a bill to pay for the slaves claimed by Watson. That report, made six years since, was the first in favor of paying for slaves as property, so far as my knowledge extends, ever made to this body, under our present Constitution, or prior to its adoption. During that Congress, one other of the like character was made by the Committee on Territories. The bill last mentioned was rejected, on a call of the yeas and nays, after full discussion, only thirty-six votes being given in its favor. No final vote was ever taken on any other case of the kind, except the one referred to by the gentleman from Maryland, [Mr. Chapman,] which passed the 28th Congress. I was myself aware of the nature of that bill, and so was the late venerable member from Massachusetts, [Mr. Adams,] now deceased. We both intended to have made known to the House its character; but I was called away on one of those days when private bills were under consideration, and Mr. Adams's attention was diverted from it by some means, and the bill passed the House *sub silentio*, no one objecting to it; and I presume not a member of the body present, who understood both the character of the bill and the practice of the House on such claims, was conscious of its passage. If such members were here, they suffered it to pass without calling the attention of the House to it. Being, as it were, thus smuggled through this body, it can have no force as a precedent. The whole practice of Congress, when acting understandingly, from the adoption of the Constitution to this day, has been a denial of the doctrine that slaves are property under our Federal Constitution. The decisions of our courts are to the same effect. The Constitution itself, in every instance in which it refers to them, denominates them *persons*, and not property. The Declaration of Independence declares them to have been created *equal with ourselves*. The sentiment of the civilized world recognises them as *men*, as *brethren*. Yet we are called on to disregard all these considerations, and to enter upon an inquiry of the title by which one man holds another as property, and to determine the value of chattelized humanity. Northern members now see the respectful petitions of tens of thousands of their own constituents, praying to be released from the support of slavery, disregarded and treated with silent contempt. They are sent to our committees; there they remain forever. From that bourne "no traveller returns." The voice of humanity is there silenced; and those petitions, at the bidding of the slave power, sleep the sleep of death. No effort of ours, no artifice of legislation which we can exert, can get the subject before this House. No exhibition of the crimes, the appalling guilt of the slave trade carried on in this city before our eyes and before the nation, can provoke those committees to permit this body to pass judgment either for or against the prayers of hundreds of thousands of Northern lovers of freedom; but a single slaveholder sends his petition here, praying us to involve our people in the burden of slavery in Maryland; to take the funds of Northern philanthropists to pay for human flesh; and your committees—even Northern men on those committees—unite in favor of the measure; and this whole body is at once engaged upon a bill to involve our people still more in the expense and in the crime of supporting that institution, not merely in this District, but in Maryland. Will Northern Whigs, will Northern Democrats, meekly bow to such dictation? Will we continue to do the bidding of Southern masters, and, in our official character, enter upon this proposed slave trade? No; self-respect forbids it. Northern sentiment forbids it. The Constitution, our oath of office, the age in which we live, the opinions of civilized men, the laws of nature, and the voice of God, forbid that we shall prostitute the dignity of our station thus to uphold oppression and encourage crime.

SLAVERY IN OREGON.

SPEECH OF MR. HALE, OF NEW HAMPSHIRE,

IN THE

SENATE OF THE UNITED STATES,

ON THE

THE BILL TO ESTABLISH A TERRITORIAL GOVERNMENT IN OREGON.

JUNE 1, 1848.

One of the most interesting and important debates of this session arose last week on the Oregon bill. The twelfth section of this bill recognises the law made by the Provisional Government, excluding slavery from the Territory, and extends to Oregon the ordinance of 1787. It was on a motion to strike out this section that the debate occurred.

From Houston's Reports.

[Mr. FOOTE made some remarks, in his characteristic style, assailing the Senator from New Hampshire, and expressing alarm on account of the dangerous consequences which the agitation of this subject was likely to produce in the coming election.]

Mr. HALE. It seems to me there is some inconsistency in the views of some gentlemen of the Senate. I am accused of embarrassing this subject by the introduction of a proposition, which seems especially to alarm the Senator from Mississippi, who regards it as calculated to affect the Presidential election. Now, to quiet the fears of the honorable gentleman, I will tell him, in all honesty, that, so far as I am advised, my friends do not anticipate running a ticket in that election in the State of Mississippi.

Mr. FOOTE. I will tell the Senator that I should not be apprehensive of the result of running any such ticket in the neighborhood where I reside. Any other ticket than that of Cass and Butler I have not thought of; and, if I had, it would be with such scorn as would not allow me to feel the least apprehension.

Mr. HALE. Well, the candidates will feel "very bad" at this announcement, no doubt! But I rose for the purpose of saying that this is no movement of mine. I have thrown in no firebrands. On the contrary, I have been trying to remove them. Complaints are made that a pestiferous question has been introduced; that a firebrand has been thrown into the Senate—a question introduced that is likely to produce agitation. I can only say that it has been my purpose to remove any such cause of agitation. For one, sir, I want the country to understand what this proposition is. I have always done ample justice to the people of the South. I have said to my friends at the North, when you hear these men you know them; you can see them hard. They are not like that contemptible animal that I have not seen described in any history of animated nature I have read, a "Northern man with Southern principles." They are bold and open. They tell you what they want, and how they want it. When you deal with such men, you can understand them. Stripped of its verbiage, then, the proposition before us is simply this: that slavery is one of the natural and inherent rights of property which belong to the people of the South, over which this Government or the Government of the Territory has no control. I hope that I have now stated correctly the extent of this proposition. If it goes any farther, I hope it will be so announced. The people of the North have been desirous to get down to low-water mark, just as far as the requisitions of this institution required them to go; but, after they had bowed so low that their back was almost broken, they have been told that there was a still lower point to which it was necessary that they should go. It has now, however, come to this—that a claim is set up to an absolute, inherent, indefeasible right, with which neither Congress nor the people of a Territory have any right to meddle. Well, now, is it possible that anybody acquainted with the legislation of this country from its foundation, can listen patiently to such pretensions? Was the ordinance of '87 an insult to the South? If so, why has it not been found out before? Why have they permitted that standing insult to remain upon the legislation of the country? How has it happened that, with their peculiar sensitiveness to insult—their chivalric sense of honor—their keen perceptions—

Mr. BAGBY. I did not say that the action of this Government, in any respect, upon any subject, was an insult. I asked this question: If, when gentlemen on the other side admitted it was not necessary to interpose this obstacle to the admission of slavery into that Territory, it was not an insult to the South to propose it?

Mr. HALE. I did not refer to the gentleman from Alabama, but to a remark of the honorable Senator from South Carolina, who said, if I did not misunderstand him, that the proposition was insulting to one-half of the States of this Union—a sentiment in which I believe the Senator from Mississippi concurred.

Mr. FOOTE. It seems to me, that when the gentleman from New Hampshire renews his amend-

ment, his remarks may be in place; but I doubt their propriety now. He certainly is not justified in making them on the ground that he is responding to me.

Mr. HALE. If the honorable gentleman says he did not say anything, I certainly do not mean to say anything to him. But I was proceeding to inquire how it happened that these very sensitive gentlemen, with their keenness of perception and quickness of resentment, had not before this time found out the insult under which they have been grieving for more than half a century? Why, sir, did they not make the discovery when the bill for the admission of Iowa as a Territory was before this body? That bill contained, in express terms, the very provisions contained in the 12th section of the bill now before us, which is now deemed so insulting, and denounced as a firebrand. I find that the question on the motion to lay that bill upon the table was taken by yeas and nays, and decided in the negative by a large majority, many Southern members voting against it.

Again I ask, why did not the gentleman then discover this insult to the South? With all respect to these gentlemen, I must say that I can have very little sympathy with that exquisitely nice sense of honor which cannot find out an insult until it becomes to be sixty years old! The honorable Senator from Alabama said, that by no possibility could slavery be introduced into this Territory, and that therefore the insult was the more mortal. Pray, sir, who then is fighting for an abstraction? The amendment has been withdrawn. The bill is before us just as it was reported by the Committee on the Territories; and yet these very gentlemen, so sensitive to insult, wish to introduce an amendment giving them liberty to carry slaves into territory where they say they never want to carry them, and never can carry them. Who, then, now brings in an abstraction? Who thrusts a pestiferous question upon us? Who seeks to mar the harmony of the "party?" Who desires now to disturb the prospects of the most eminent and illustrious ticket that is to sweep the country, and annihilate all opposition? Does the disturbance come from firebrand Abolitionists? Not at all, sir. It comes from this very sensitive quarter of the Union so prone to cast reproaches against everybody who introduces this subject of abolition, as they are pleased to call it, and who, the moment it is withdrawn, bring it in themselves!

I know that I stand here under peculiar circumstances; but I can appeal to gentlemen on the other side of the Senate in proof of the statement, that I was applied to by those for whose opinions I have deep regard, to withdraw the amendment, in order that they might proceed with the bill. At their request, I did withdraw the amendment, in order that their feelings of humanity that had been appealed to so eloquently by the honorable Senator from Missouri, to the profound agitation of the sympathies which stir the benevolent heart of my friend from Mississippi, might be gratified. I do not desire to be obstinate, or to embarrass or to impede the action of the Senate. I am not at all desirous of claiming a right to any of the hard names which have been flying so thickly around me, and therefore, at the risk of offending those whose judgments I regard as much as those of any around me, and who have stood by me when their sympathies were worth something, and their votes worth more, I consented to withdraw this pestiferous amendment, this firebrand, in order to ascertain if I could not produce a little harmonious action here. But what has been the result? Something more pestiferous still is introduced; and when I reminded the honorable Senator from Alabama that I had withdrawn it, he says that no doubt I intend to introduce it again.

Mr. BUTLER. Will the gentleman allow me to ask him a question? I understand that the honorable gentleman has withdrawn his amendment for the present only, with leave to introduce it again after the amendment of the gentleman from Florida had been disposed of; so that he let his firebrand burn out, when he saw another one likely to be used, with the intention of restoring his own afterwards.

Mr. HALE. The Senator makes a statement, when he puts his question, I will endeavor to answer it.

Mr. BUTLER. I ask the gentleman whether he did not withdraw his amendment with a distinct notice that he would introduce it again?

Mr. HALE. I will answer the Senator. I asked the Presiding Officer of the Senate, if I withdrew the amendment this time, and suffered the question to be taken on the amendment of the Senator from Florida, then pending, whether it would not be in order to introduce the amendment again, to which he replied in the affirmative. I then withdrew the amendment, giving notice that I reserved to myself the right to renew it if I thought proper. I can have no hesitation in stating what my intention was. It was this: if the bill was allowed to remain as it was, I did not intend to renew my amendment; but, if other doctors went to dose it, I meant to try my medicine again. I believe the Senator now understands me.

I permit me to say, that I differ entirely from the gentlemen on the other side, who have laid down the proposition, that property in slaves stands upon the same foundation as other property mentioned in the Constitution. If I had time and opportunity, I might present to the Senator ample authority for the distinction which I thus announce. I might bring judicial decisions of the highest authority, from almost every one of the Southern States, to establish the proposition Slave property is the mere creation of local, municipal law, and when, by consent of its owner, it is removed from the territorial limits of that municipal law, it ceases to be property; the thing then merges into a man; and, although it may afterwards return to the territory in which the character of property was affixed to him, he claims his freedom and made a slave. I believe that I have one of these decisions before me, and I may refer to it.

Davis vs. Paquin, 5 Harris & Johnson, 107. *Stewart vs. Gales*, *Note*, Maryland Court of Appeals, 1813. 3d volume U. S. Digest, p. 172, sec. 175.

By the law passed December 17, 1792, chap. 103, sec. 5, "slaves which shall hereafter be brought into this Commonwealth, and kept therein one whole year together, or so long at different times as all amount to one year, shall be free."

The facts are: This petitioner was the slave of the defendant, who is a citizen of Maryland, and resided therein prior to 10th of January, 1783 and has resided there ever since. That he owns a stone quarry in the State of Virginia, where he has been in the habit of taking the petitioner for a number of years last, for the purpose of working in the quarry, making the time of the petitioner's being in Virginia, in the whole, upwards of one year. The defendant never resided in Virginia, except for the purpose of quarrying stones as aforesaid, and always returned to this State, (where his family constantly remained) as soon as he got a sufficient number of stones to supply his manufactory at Baltimore. The petitioner never applied to any court of record, or competent tribunal, in Virginia, for the purpose of obtaining his freedom under the laws of that State. The petitioner was always brought back to this State by the defendant without being compelled thereto by any force or violence. The several times in which the petitioner remained in Virginia were subsequent to the passage of the above-mentioned law of Virginia.

Under this state of facts the Court of *Oyer and Termin* discharged the prisoner from slavery, and the Court of Appeals confirmed the judgment".

Take that single case, and you have a most forcible illustration of the difference that exists between property in man and property in things.

Would it be for a moment contended, that the title of the owner of a horse in Virginia, would be extinguished if the horse were twelve months out of the State? It is then a decided principle, that this right, instead of being a natural, indefeasible right, is a qualified one, dependant upon the local municipal legislation of the Government that undertakes to establish it. Not long ago, it was decided in England by Lord Mansfield, that, in "Sommersett's" case, the common law and civil law were both against the right or wrong, whichever you may please to call it; and, wherever it exists, I venture to say, I may challenge its advocates the world over to find a decision of any respectability in which it will not be held, that the right, wherever it exists, exists solely by virtue of the local legislation establishing it; and that, when the individual goes beyond the limits of that legislation, he becomes free—that right in this country being qualified by the provision of the Constitution, requiring States to surrender fugitive slaves.

Without going any further south, I might stand here till the shades of evening should fall upon us, detailing to the Senate, in language which I might poorly attempt to imitate, the desolating and demoralizing influence of this institution upon every interest of a State. I might go to Virginia, and, selecting my authorities from among the most eminent statesmen that have adorned this country, both of the living and the dead, bring to you volumes of testimony as to the desolating effects and influences of this institution; compared with which, the wildest fanaticism, against which you rail, would be stale and insipid. But I forbear. Let me, however, advert to one fact which has impressed itself upon my memory with peculiar force. I have seen it in the other House. I have listened to it and read it. When gentlemen of the free States have descanted on the evils of slavery, and the iniquity of this Government lending itself to its further extension and perpetuation, gentleman from the slaveholding States have immediately retorted and said, "You have fastened it upon us—it was the avarice of New England merchants engaging in this trade, and the avarice of the mother country, which fastened this institution upon us against our consent; and now, whilst you are enjoying the fruits of this traffic in the wealth which by it you have amassed, why reproach us with it?" Now, let me in all candor and kindness ask these gentlemen if there is justice in their reproach, why shall we subject ourselves and our posterity to the same reproach, from the inhabitants of the territory over which we are about to organize a Government? Why should we incur the reproaches of those unborn millions who are hereafter to inhabit these regions? Why should we, by our conduct, now justify them in saying to our descendants, "Why was it that, when you knew the enormity of this evil, when you were loading with reproaches the cupidity of Eastern merchants engaged in this loathsome traffic, when all the calamities which this institution visits upon every people amongst whom it exists were visibly before you—why was it that you determined that these hills and valleys should be baptized in the guilt of its blood and tears?" Will we not, sir, justly earn these bitter reproaches, if, by our action now we extend to this region that which all admit to be an evil—and that, too, when the people who now inhabit it, themselves profiting by our sad experience, and warned by our mournful example, have in the birthday of their history declared that they desire to put far from them the accursed thing? The honorable Senator from Mississippi, however, has revealed a secret which a great many men less honest and impulsive than himself would have studiously concealed. It is not that justice, and liberty, and humanity, and truth, stand in the way: but, Oh! it is the danger of splitting the "Party" at the next Presidential election.

[Mr. FOOTE denied that the danger to the "ticket" was the sole motive which operated on his mind. He then spoke of Mr. Hale in the most unmeasured terms of abuse—alluded to his presence at the "Liberty Breakfast," &c.]

Mr. HALE. I do not know but that the remarks of the Senator do require some notice at my hands. This is not the first occasion on which remarks of a somewhat similar character have been made by the honorable Senator from Mississippi. I believe that I may be permitted to say that I can appeal to every gentleman in the Senate, on both sides of the Chamber, that, ever since I have been a member of the body, I have never on any occasion—in the Senate or out of it—so far forgotten my myself as to be wanting in that respect, that courtesy and that kindness, which ought to characterize the intercourse of gentlemen and Christians. I believe that, in the hearing of the Senate, I can appeal to every man to bear me witness, that on no occasion, even when standing alone, my views misrepresented, my principles denounced, and my person threatened, have I so far forgotten myself as not to remember what was due to the proprieties of this Chamber, and to every individual with whom I come in contact. I can assure the honorable Senator from Mississippi, and I think he cannot deny it, that attacks and allusions, such as he has made, whatever their effect—if they had any effect—may have been upon others, they reached not me. And now I leave the honorable Senator. I leave him secure in the enjoyment of all the glory, all the reputation, and all the self-satisfaction, which he may gain, here or elsewhere, now or forever, by any such course as that which he has thought proper to pursue.

Mr. FOOTE. Do I understand the Senator as saying that I demeaned myself?

Mr. HALE. Very far from it!

I am exceedingly unwilling to make myself the subject of remark before this body. I did not come here for that purpose. But it has been forced upon me, and I must say a word in vindication. The Senator is entirely mistaken when he represents me as denouncing the Union.

Mr. FOOTE. Did not the Senator say that he would urge his amendment, even if its adoption should lead to the dissolution of the Union?

Mr. HALE. No such thing! I said that on this question we must take a course which commends itself to us as right—that, having found where the right was, we must abide by it, regardless of consequences—and that if the result should be that which was talked of so much—the dissolution of the Union—if it shall be found that this glorious Union of ours, endeared as it was to us by so many cherished associations, had no other principle of cement but the blood of slavery, let it sunder! That is just exactly what I said. Who, then, speaks of reproach upon the Constitution? Who rakes up the ashes of the illustrious dead, and pours contempt upon the living, but the man who would come forward and declare that the cement of this Union is slavery?

Mr. FOOTE (in his seat.) Nobody says it!

Mr. HALE. Well, then I have not said that the Union ought to be dissolved. [A laugh.] The honorable Senator has undertaken to administer to me a great deal of reproof, and advice, and caution, and perhaps he will think I speak in irony when I say—I thank him—I thank him! I am not so old or so obstinate that I am not willing to be taught. I surely evince my docility when I say that I am willing to learn Senatorial manners from the gentleman from Mississippi; but permit me to say, in all kindness—and I mean no unkindness to anybody—I do think that, when the Senator from Mississippi undertakes to give advice, and talk about "windy and gusty harangues" and "antics," and so forth, he mistakes his calling! I think he has need to repeat this line of the poet—

"O! wad some power the giftie gie us,
To see ourselves as others see us!"

I think that if he occasionally reflected on that line, he would not be found giving me any lectures again.

Once for all I desire to say, that we have strong convictions upon this subject. We believe that slavery is an evil—a moral, political, social evil. In the expression of that belief we do not go beyond the declaration of many distinguished citizens of the Southern States. I believe that the legislation of this country, from the adoption of the Constitution to the present time, has been continually subservient to this institution; and, so far from believing as gentlemen on the other side have said, that they stand upon the defensive, I believe that this legislation has been constantly aggressive. I believe that we are now engaged in a war, costing us more than fifty millions annually, for the perpetuation of this institution. I think I can call witnesses from the other side of the Senate to prove, that at least one gentleman has furnished me with his deposition in perpetual remembrance of this fact. But I do not need it. The fact stands out so boldly in the history of the country, that neither the present age nor posterity can be in any doubt with regard to it.

I have trespassed longer than I intended upon the attention of the Senate. The subject is by no means a pleasant one to me; but, unpleasant as it is, so long as I have the honor of a seat upon this floor, I shall on every fitting occasion—of which I myself must be the judge—within the rule of the Senate, and that propriety and decorum which become a body of gentlemen, introduce anything that in my judgment falls within the range of legislation, be it "pestiferous" or not—let it endanger the success of any ticket—be it illustrious or ignoble; and when I offend against the proprieties of this place, or that decorum which should prevail amongst men, I am willing to submit to whatever rebuke the Senate in its wisdom may see proper to administer. But because this is an unpalatable, unwholesome, and pestiferous subject to the minds of some men, is there to be freedom of debate on every other subject, and for every other man but myself on this subject, and to me that freedom is to be denied? No, sir; and I only regret that there have not been others, abler and older men, to raise their voices before the Senate, speaking out what I know and what they know to be the deep convictions of their constituents on this subject. I regret that this great issue, upon which the destinies of the country are dependent, should by the force of circumstances, or the sense of propriety of those around me, be left in such feeble hands. But unequal as I am to the task, feeble as are my powers, overwhelming as are the odds against me, entertaining these convictions, I must press them upon the consideration of the American Senate and the American People. Permit me to say, in no spirit of

intimidation or menace, that the People are a vast way ahead of any of those who talk here upon this floor on this subject. A deep feeling on this subject sways the hearts of the American People—a feeling which is gathering strength, and never can be repressed! in the Empire State, the heart of the young Democracy has been touched—they have arisen, with the strength of another Samson, and have snapped asunder like burning tow the withes with which they have been bound. And where is that other giant of the West, that stretches itself in the peaceful valley of the Ohio? A feeling is swelling in men's hearts there, the strength and importance of which are but little appreciated here. Perhaps the extent and depth of that growing tide of popular sentiment will not be fully developed until the last experiment be made on their endurance, in the nomination of him whose fame has been acquired in a war which they detest.

I leave this subject for the present. It certainly cannot be more unpleasant for the Senate to listen to me, than it is to me to be compelled to utter these truths here. I am sensible that these poor efforts of mine, repeated, as the honorable Senator from Mississippi has said, tautologically, over and over again, are irksome and wearisome. I would to God that some other man might rise up, not belonging to the ranks of a proscribed few—might rise up here to advocate these great truths! Would to Heaven that some other man might rise up and speak, so that the Senate and the nation should know that when he spoke his State and his party spoke, those truths which are so unwelcome, coming from a man whose party subjects him only to the scorn of Senators. If I am running the race of popularity, I have chosen a strange road to it. Let me assure gentlemen that there is no office within the gift of the Executive or the People that I solicit. Never shall I condescend to flatter popular prejudice or popular passion. I shall content myself with the enunciation of what I believe to be the truth upon such occasions as my own judgment may recommend, willing to bide my time and await the consequences.

SLAVERY IN OREGON.

SPEECH OF MR. NILES, OF CONN.,

IN THE

SENATE OF THE UNITED STATES,

ON THE

BILL TO ESTABLISH A TERRITORIAL GOVERNMENT IN OREGON.

FROM HOUSTON'S SENATE DEBATES.

In the Senate, June 2d, the Oregon bill being under discussion, and a motion pending to strike out the 12th section of the bill, recognising the existing laws of Oregon, one of these laws excluding slavery, Mr. NILES, of Connecticut, rose and said:

Mr. PRESIDENT: I have a few remarks to submit on some of the questions raised by this bill, and I may as well offer them at this time as at any other. As this bill involves the question of slavery in one of its forms—always a delicate subject—nothing but a strong sense of duty could induce me to take any part in this debate. During the time I have been honored with a seat in this body, I have always forborne to enter into any discussions upon that subject when it has come up, as it often has, in the form of abstract propositions. But it now comes before us in a different aspect, being directly connected with legislation, with the establishment of a Territorial Government in Oregon. In this view of the question now before the Senate, it is not an abstraction; nor can I perceive the justice of the remark, that any proposition, affirmative either of the principle of absolute freedom, or of that of an opposite character, is to be regarded as a "firebrand" thrown into the Senate.

We are now called upon to pass a very important act—an organic law to establish a Government for a distant people; and the question is, whether—in undertaking this great work, laying the foundation for a mighty empire, which is to spring up on the shores of the Pacific Ocean, facing Asia, as we face Europe—we shall transplant there the sacred principles of freedom, which have taken root in our midst, and by which we have become a great people among the nations of the earth. That is the question; and it is no small question. Whether the people of that distant region are to continue a part of this Confederacy, or whether, as is quite probable, they are to assume the character of a separate and independent nation, still the responsibility now devolving upon us is the same. Our duty is the same, whether they are to remain under our jurisdiction, as part of us, or to grow up into an independent State, under our auspices and guardian care.

What, then, is the particular question before the Senate? If I was to judge from the debate, there is no question here as to the exclusion of slavery; the only question is, as to how far it is proper to go in favoring the introduction of slavery; whether we shall actually incorporate it into the institutions of that distant and rising people, or shall so shape their organic laws as simply to encourage its introduction; leaving the door open, and asserting the right, that it may insinuate and establish itself there. The difference is between those who are for establishing by law the principle of slavery, who occupy the extreme ground, and the more moderate advocates of the same object. The former, as I understand from the remarks of some of them, the gentleman from Alabama who sits nearest to me, [Mr. Bagby,] and the distinguished Senator from South Carolina, [Mr. Calhoun,] maintain that, under the Constitution, slavery becomes the supreme law of all our territories—I state their position in my own language—and that it is not in the power of Congress, nor in the power of the people inhabiting a Territory, to abolish slavery—that it is above the reach of both, resting on the solid foundations of the Constitution itself. Well, I profess to be a steadfast and firm supporter of every legitimate and constitutional principle, whether it operate in favor of my views and the interests of my constituents or not. If I could believe that the position which I have just stated was well sustained, however reluctantly I might come to such a conclusion, still my friend from Alabama would find me standing by him, in supporting even a proposition so hostile as I know that to be to the spirit of the age. But this proposition is one very easily understood. I do not propose to discuss it at length; but, as I understand it, it rests on the simple idea of the right of private property. Well, now, it is certainly one of the strangest propositions I ever heard, and if anything could add extravagance to a proposition in itself so extraordinary, it would be the fact, that it emanates from the Senators from Alabama and South Carolina, and others, whoare, *par excellence*, the advocates of State rights. What does this proposition mean? Why, nothing less than this: that the right of property depends upon the sanction of the Federal Government! Where, I ask,

are your "State rights," if we have the power, the responsibility, of guarantying private property to the citizens of the various States? If we can protect it, we can invade it. We have the power, or we have not. It is idle to discuss a proposition which, upon the face of it, in my humble judgment, requires only to be stated to show the fallacy of it. Private property is that which the laws of the States constitute property, and we have nothing to do with it here. The rights of property do not depend on the Constitution or laws of the Federal Government.

Mr. Calhoun. I have great respect for the honorable Senator, and I depart from my usual rule in interrupting him. But we do not rest this question upon that foundation. I rest it upon the comity of the States of this Union. The Territory of Oregon is the territory of the United States, and by the United States we mean the States in their Federal capacity as members of this Union. I rest it upon the additional fact, that the States, in their Federal capacity, are equal and coequal, and, being so, no discrimination can exist between those who hold and those who do not hold slaves.

Mr. Niles. The explanation is such as I expected, and it does not affect my statement of the question. The honorable Senator rests his position on the ground of equal rights guarantied to citizens of all the States, which would be violated, as he alleges, if citizens from any of the States should be prohibited from entering any of the Territories, and enjoying the same rights of property there, which they enjoyed in the States from which they removed. Does this prove any inequality of rights among the citizens of the different States? Will not their rights of property, and all other rights, be the same in the territory? It is no inequality, that all the rights of property which exist in the different States may not exist in the Territories. These are State rights; created by State laws; and held under State authority. They are not rights derived from the Federal Constitution, nor upheld by it. They may cease when a citizen removes from the jurisdiction of the State where they were enjoyed. The rights of property, and the rights of persons in their social relations, do not depend on the Federal Constitution, but on the Constitution and laws of the States. For Congress to interfere with either, in a State, would be a most flagrant invasion of State rights. Can this Government regulate the titles to lands, the descent of property, or the rights of master and servant? We all know that these matters belong exclusively to the States. And, in regard to the Territories, although we have exclusive legislation, and may, if we please, regulate property there, still, even in that view of it, the argument, as I conceive, can derive no support whatever. I admit that we might legislate in regard to these Territories. That we have not done. We have delegated that power. We have constituted local Governments based on organic laws. But, were we to legislate, could we introduce the laws of all the States there? Would it be possible for us, however inconsistent they might be with each other, to establish the laws existing in all the States in relation to property in a Territory? What is property in one State is not property in another. Every one must see the impossibility of such a system of legislation. The argument of the honorable Senator, based on the equality of the States, thus falls to the ground.

It is impossible that the citizens of every State should enjoy the same rights of property in a Territory, that they may have enjoyed in the States from which they removed, as the rights of property are different in the several States. Nor can this be said to occasion any inequality or injustice. The power and jurisdiction of Congress over a Territory is entirely different from what it is in a State. In the latter, it is defined and limited; in the former, it is exclusive and local. It does not operate upon the citizens of the States, and affects only the people of the Territory. Those who emigrate there, necessarily part with all their State rights of property and persons, and can only enjoy such of either as its consistent with the laws of the Territory. And those laws, whether emanating from Congress or the legislative councils of the Territory, are merely local Territorial laws. Was Congress to legislate, we should, in the first place, look to the interests of the people of the Territory. We are called upon to act for them. Our first duty is to consult their wishes and interests; and, in the next place, I admit, we should look to the establishment of equal and exact justice, as regards all the States, as far as that may be practicable. But we certainly cannot incorporate the laws of all the States into the institutions of a Territory. That would be impossible. We cannot make that property in a Territory, which is recognised as property by the law of some of the States, without conflicting with the law of others. In this, as in all other cases, the majority must decide; and the whole subject is in our hands; there is no constitutional restriction, one way or another. It is a question like all others where there is no doubt as to the power, in which the minority must submit. I have no doubt where the majority is in this case. A proposition, then, resting on this ground or any other that we are required to introduce slavery into Oregon, is, to say the least of it, a very strange one. It makes this Federal Government the propagandist and supporter of slavery! Hitherto, I believe, the doctrine has been, in the South, and everywhere else, that this Government should let slavery alone. That we have recognised it in the States, and ought not to touch it. As long as my friends from the South occupied that ground, I always stood with them, and, so long as they stand there, I shall sustain them. We have been told again and again that it was a State institution—a State interest; that the Federal Constitution had recognised it as such—not as an institution existing under our authority or sanction; and that we had no right to interfere with it in any way. But the proposition now advanced goes much farther, and presents a new question. It connects this Government with slavery—it makes slavery a Federal right—an institution not established by an act of Congress, indeed, but which is a part of the Constitution itself! I will presently notice the more qualified statement of the doctrine; but that is the proposition now presented, in its length and breadth. I ask, by what authority is slavery to be introduced into Oregon? By authority of the Territory? No. Even in this qualified form of the proposition, it is by your authority—by the Federal authority—by the act or acquiescence

of this Government? To that I am not prepared to accede. I have always voted here in favor of maintaining the rights of the South, to the utmost limit to which I believed the Constitution secured and guarantied them. I do not use the word "compromise." It has no application here. "Guaranty" is the proper term. All the States to the Confederacy have guarantied slavery. Our militia may be called out to protect it. All that I am prepared to sustain. But, when I am called on to employ the authority of this Government for the purpose of introducing slavery into territory now free, a new question is presented, and it is one to which, I believe, the people of this country will give a decided negative. They will never sanction such an exercise of the Federal authority. I am not here to excite irritation, or to use the language of menace; but, I ask, do gentlemen suppose that the free States will send representatives here to take an active agency in the introduction of slavery into free territory? Do they think that the moral sentiment of the North will justify this?

The second proposition is not so extravagant as the former, and yet, I think, it amounts to pretty much the same thing. In the one case, we are called upon to incorporate the principle of slavery; in the other, to permit it to be done—to leave it to introduce itself, if it can, either with or against the will of the people of the Territory. The right of the people to govern is a just and popular idea; but it applies only to independent, organized communities, possessed of sovereign power. It cannot possibly apply to the people of this Territory, who do not possess one particle of sovereignty. We are called upon to exercise sovereign power over this Territory. If the sovereignty is in the people of the Territory, then we cannot pass this bill. I am not prepared to leave to the people of a Territory the question of the establishment of slavery there. I do not think that that would be an honest and faithful discharge of our duty. I know it is said the climate, and other geographical causes, will inhibit the establishment of slavery there. But that is a circumstance with which I have nothing to do. I am not here as a legislator, to speculate about the probabilities of the introduction of this great evil, or of the necessity of asserting any of the great principles of freedom. Our ancestors did not act in that way, either in the establishment of their State or Federal Constitutions. The illustrious statesmen of old Virginia did not so act, when they proposed their ten amendments to the Federal Constitution. None of them, perhaps, were necessary; yet they deemed it wise and prudent to throw every safeguard around the rights of the States and the people, and her enlightened statesmen were not prepared to ratify the Constitution, without the security which those amendments afforded. On the same consideration, we have those declarations of the great principles of liberty in our bills of rights in all the States. Why do you provide that there shall be no established religion? Why do you protect the sacred rights of conscience? Why do you provide that the habeas corpus shall not be abolished? Why do you establish the right of trial by jury? Sir, the question comes up before us, and we are bound to meet it. Without disrespect to any one, I must be permitted to express the regret with which I perceive a disposition, on both sides of the chamber, to evade and avoid the great question which now presents itself, and which, I must add, cannot be blinked. All the efforts to evade it must prove unavailing. The amendment of the Senator from Florida [Mr. Westcott] brings up the extreme principle contained in the bill of the last session, asserting the first proposition to which I have directed the attention of the Senate. We must meet that probability. Then there is the proposition of the Ordinance of 1787. Now, do honorable Senators suppose that, standing here as we do, the representatives of ten of the sovereign States of this Union, instructed to engraft the principle of freedom upon all the Territories of this Union, that when we have a bill before us by which the foundations of a new empire are to be laid, it is possible to evade and avoid this great question? I do not know what my honorable friends, the Senators from New York, who sit here very much at their ease, may say on this subject; but I believe they have been instructed twice over to assert this great principle of the Ordinance of 1787 in reference to any Territorial bill. The people of the "Empire State," through their local Legislature, have, on two occasions, instructed their Senators here to declare their sentiments on this great subject. I believe I have myself received similar instructions. However, as regards myself, that circumstance exercises but a small influence upon my course. Independent of all instructions, I feel called upon in this instance to discharge a solemn duty. The question cannot be avoided. It is upon us. It must be met.

I have said that I cannot accede to the proposition, even in its qualified form. I cannot consent to the extension of slavery by quit acquiescence. I do not believe that that acquiescence would be consistent with what is due to ourselves or the country. Have we no opinion on this subject? Have we no judgment of our own, as to whether it will be better for that country, or for the Union, that one or other of these principles should be incorporated into the institutions to be established there? If we have an opinion, why should it not be asserted? Ah! harmony—harmony may be endangered by the assertion of a great principle! And we have been told of a "platform." Let me remind gentlemen that there is but one platform on which we can stand, in regard to this or any other question—the platform of the Constitution. That is the standard by which all questions are to be decided. I would not go out of my way to bring up any disturbing questions; but when a question arises, whatever its character, I would meet it fearlessly, and look it boldly in the face, and give my vote according to my own judgment.

The debate on the present question seems to me to have been all on one side. I think that the great principles of Liberty—of Equal Rights—of Humanity—ought to have at least more than one voice raised in this chamber in their vindication. These great principles are not without tongues among the People. On this subject the People are not asleep. In many of the States they have spoken audibly. But the misfortune is, that in their State Legislatures their representatives speak one voice, whilst their representatives here,

farther removed, and surrounded by other influences, often speak a very different voice. How long this is to continue, is not for me to say. For my own part, I have no wish to avoid this question. I believe that a decision of it will tend to quiet the public mind.

It is proposed to strike out the twelfth section of the bill before the Senate, leaving the question of slavery to be decided by the people of the Territory. This section is better than nothing, because it asserts the principle of freedom in this Government when it goes into operation; and it also does recognise the fact, that the people of Oregon are a free people. By adopting this section, we also declare that we establish a Government for this people in conformity with their own wishes. But strike that section out, and where do you stand? Why, in that case, you reverse the fact; you introduce a new system of legislation in regard to Territorial Government, never known heretofore. I would call the attention of the Senate particularly to this point. I find, on an examination of our whole legislation on this subject, that, from the organization of the Territory of Ohio down to the present time, Congress has acted upon one settled principle, both in the establishment of Territorial Governments and in the admission of States into the Union—and that principle has been, to take the condition of the people, as it existed at the time, as the basis of their action. Ohio, being free from slavery, was organized as a free Territory. Then came Mississippi, in which a different state of facts existed. What did Congress do in that case? It recognised the existing state of things, and did not assert the principle of the Ordinance of 1787. An effort was made, in the case of Missouri, to set aside this principle; but it did not succeed, and Missouri was admitted as she was. Now, we find the settlers in Oregon are a free people. They have voluntarily organized a Provisional Government, and expressly excluded slavery. We cannot doubt what their will and purpose are. And shall we not recognise their action as the basis of our legislation? Shall we not carry out their wishes, which they have expressed in the most solemn form? Will you force upon them an institution which they do not desire? I know it has been said, and it may be repeated, that this matter must be left finally to the people; and this is true, when they become a sovereign State. But that is no reason why, in organizing a Territory, we should not engraft upon their institutions the true principles of freedom. We possess and exercise the sovereignty over them. We cannot delegate it entirely to them. Their condition is a fact which must regulate our action. They are a free people—I use the term in no offensive sense by implication, for we are all free—yet the law of slavery is no part of free institutions. They have not introduced and do not desire this law. Shall we, then, not assume this action of the people of that Territory as the basis on which, under our care and guardianship, the superstructure of the Government of that people is to be raised? Shall we now depart from a principle which has been heretofore recognised by both parties to this question?

Mr. Westcott. I understand the Senator to say, that in the territory acquired by the treaty of Louisiana, Congress recognised the existence of slavery there. In two-thirds of that territory, by express action of Congress, slavery has been excluded.

Mr. Niles. I said that in the organization of Territories, and in admission of States to this Union, we had always respected the condition of the people—that we had uniformly recognised and respected the existing state of things.

Mr. Westcott. Slavery has been attempted to be excluded by the adoption of the Ordinance of 1787 and the Missouri compromise, in at least two-thirds of the Louisiana purchase, and without a shadow of right. It existed in that territory under Spain.

Mr. Niles. The 12th section of this bill may not be worth much, but it is better than nothing. It asserts the principle of the Ordinance of 1787, with some qualification. That principle has been already recognised by the people of Oregon. The question is before us now. I, for one, wish to see it settled, so far as we have the power to settle it. If we settle it now, we get rid of it forever, so far as the action of this Government is concerned. If this section is expunged, the question is left open to be agitated in Oregon and in this country.

It has been suggested that this question is a political one—that slavery has become an element of political power; that it enters into the action of the Federal system, not only as forming a basis of representation in one of the Houses of Congress, but much more extensively as a controlling influence at all times in the administration of the General Government. Well, this is a difficulty which, like all other difficulties, must be met. It is a difficulty which did not exist, in my judgment, in the early stages of this Government; and hence we find, that, instead of decreasing, as was no doubt anticipated, the excitement and interest on this subject have become greater. The question must be disposed of, however, according to the judgment of the majority, in which the minority must acquiesce.

Not long since, the honorable Senator from South Carolina [Mr. Calhoun] went into a consideration of this subject, and spoke of aggression upon the South, and of the alarming increase of power in the free States. I made some remarks at the time in relation to that point, and may now repeat my conviction, that the fact is entirely the other way. Do we not all know that our Southern friends have for a long period enjoyed the highest offices of the Government; that the supreme Executive has been monopolized almost exclusively by them since the existence of the Confederacy; that they have supplied almost exclusively the presiding officers in the other House, who appoints the committees and controls its action; that they have usually had the central press here under their control, which forms and directs public opinion; and that thus, however strange it may seem, it is nevertheless true, that the element of slavery, whatever it may be locally, has exerted in the Federal Government a controlling influence? It serves to unite and bind together all of the States where it prevails, giving them a concentration and power which, when exerted, has never yet been successfully opposed. It renders all other questions subordinate to it; and, although political and other divisions may prevail, yet this principle is a bond of union which overrides and controls all others, and in no small degree con-

solidates all the States subject to its influence, and enables them to move with united force and power, and, by taking advantage of the divisions which always prevail in the free States, they have been enabled to exercise an influence over the affairs of the Confederacy, greatly disproportioned to their numbers, if not dangerous to the interests of other sections of the Union. Nor has its concerted and united action been confined to this subject alone. Often, when the North and the West have been divided on great political questions, the South has presented an unbroken front, which has been decisive of the issue.

Mr. President, it is not difficult to perceive where the real question lies on the present occasion. It is a struggle for power! Every one must see, that so far as the right of carrying slaves into a remote Northern Territory is concerned, the present question has very little importance. No, sir; it is a struggle for power! Now, sir, I believe the South is already too strong. It exercises a preponderating influence in the affairs of this Government. I believe that if this preponderance continue—if the North go on yielding as it has yielded to every pretension of the South, under this syren song of "harmony!" "harmony!" "concession!" "concession!"—there will be danger to the Union. We all know what this cry for harmony and concession means—it is an appeal to the North to give way; and it has always been successful, and will be on the present occasion. The result is foreshadowed in the reluctance manifested on both sides of the chamber to come forward and sustain the great principle of freedom. Yes, sir, the North will give way, if, on this occasion, it can be said to have made a stand. No one can mistake the influences operating on both sides of the hall—the great principle of Freedom may be sacrificed to Political Power. I fear, sir, that if this course of action continues, the salutary balance of power in our system will be lost, and one portion of its machinery will acquire an undue momentum, which may derange the whole. Then there will arise the danger of reaction. That is a danger always to be apprehended from a long-continued exercise of power in a particular direction, and an unwise subserviency and yielding to it on the part of those against whom it is exercised. In these cases, a point is at last reached when forbearance ceases to be tolerable, and reaction comes marked, perhaps, with more power than discretion. I desire to avert such a crisis. I wish to see restored to the free States that influence, that equality, that control in the affairs of the Government, which I think justly belongs to them, but which, in my judgment, they have not heretofore exercised.

Pray, sir, is not the Slave Power seen and felt everywhere in the action of this Government—in all its departments? Who meets with most favor from it? Those who stand on the side of freedom, or those who advocate the opposite principle? Why, I believe it is very well known in this body, that there is a class of men in our land who are as much proscribed as if they were felons. I do not justify their course; but ought any portion of our citizens to be proscribed for their opinions, however mistaken? They are called fanatics—Abolition fanatics! No one of them can receive office under this Government, any more than though he had been convicted of treason against it! I have known cases in which the cry of "mad dog" has led to the rejection of men in these halls who did not really belong to that proscribed class. Is it right that this principle should enter so deeply into the administration of this Government? Is it just, is it in accordance with those great principles of human liberty in which we are all accustomed to glory, that such a prejudice should be permitted to produce a perfect proscription of a class of our fellow-citizens?

Mr. Westcott. I feel bound to call the Senator to order. The point of order I make is, that it is never allowable to refer to the acts of the Senate in Executive session, until the injunction of secrecy is taken off, which he does do, when he asserts that nominees have been rejected on account of their anti-slavery opinions. It is not on my own account I object to this. I do not hesitate to say that I have and shall continue to vote against any nominee who I believe is tainted with Abolitionism, to any office, as I would against any incendiary. With respect to the alleged cases put by the Senator, Senators cannot defend themselves without referring to the facts. Hence a reference to them by the Senator is out of order.

Mr. Hale. The Senator from Florida must reduce the words not in order to writing.

Mr. Westcott. The call to order is not for exceptionable language or verbal impropriety. It is to the range of the speech I except—it is for reference to secret Executive proceedings, prohibited by our rules, that the call to order is made. The words need not be reduced to writing in such a case.

Mr. Niles. Shall I proceed?

The Presiding Officer. The Senator from Connecticut is in order—the Chair so decides. The Senator will proceed.

Mr. Niles. Every Territorial Government is founded upon the principle of regulating their own internal affairs, within certain limits; and those limits are—that they shall not violate the Constitution and Laws of the United States, nor interfere with the primary right to dispose of the soil, and certain other great principles of freedom, which it is deemed more safe and proper that Congress should affirm and establish. I hope the section may not be stricken out.

Mr. Butler. I desire to ask the honorable Senator, whether, under the guarantees of the Constitution, the tribunals of the country would not be bound to recognise slave property—yes, even the tribunals of his own State?

Mr. Niles. That question has been settled long since, by the adjudication of the courts.

Mr. Butler. I know it has, where a slave was brought from a foreign country; but I desire the opinion of the Senator as to a suit—say an action of trover for a slave brought in his own State. If you was the judge, how would you decide it?

Mr. Niles. I would not give much for your suit. [A laugh] I have not touched the subject of the rights of property in slaves in the States, but have confined my remarks to the immediate question before us—the power and duty of Congress in respect to slavery in Territories, where we have exclusive legislation; and if slavery is carried there, it must be carried by the authority or acquiescence of Congress. I have entered into this debate with reluctance, and have studiously

avoided going beyond the limits the occasion called for.

Mr. President, I have concluded what I have to say on this subject, and leave its decision with the Senate; if not deeply affecting any immediate interests of the country, it is highly important to the character and honor of the Republic, and the cause of human rights. The debate on this subject, which has been going on the last three days, has afforded me anything but agreeable reflections. Had any of the liberal and enlightened men of the Old World been here to have witnessed our proceedings, they would not, I fear, have been impressed with the most exalted idea of the estimation in which liberty and human rights are held in this free country. Could they have been otherwise than astonished, that, at a period like the present, when Liberty, awakened from its long sleep, is agitating all Europe, and rousing up the downtrodden people to the most heroic efforts for the vindication of their rights—that such a question could be the subject of serious debate in the American Senate?

What is this question? It is not the question which has really been before the despotic Governments of Portugal and Prussia—it is not the question which formed the subject of the thoughts and efforts of that great philanthropist, Wilberforce, during a whole life—it is not the question which has recently commanded the attention of the Provisional Government of regenerated France, and which they have transferred to the National Assembly—no, sir—it is not the question of the abolition of slavery, nor is it a question as to the restriction of slavery, nor a question as to the amelioration of the condition of those who are the subjects of slavery—no, sir—but it is a question as to the extension of the area of slavery. This is the question upon which the American Senate—in the middle of the Nineteenth century—before the eyes of the world—at a time when new ideas of liberty are springing up in Europe—upon which the Senate of this Model Republic—holding ourselves up to the world as an example for all other nations—upon which the Senate of the United States has been for three days engaged in grave debate—a question as to the form, and to what extent, and under what local provisions, slavery shall either be engrafted upon or permitted to introduce itself into a Territory where it does not exist—where the people have repudiated it—where, as far as we know their views, they have set their faces against it.

Mr. President, it is desirable that this bill should pass; we have too long neglected to extend our jurisdiction over the people of Oregon, and afford them our protection. I feel anxious to vote for the bill; but if the twelfth section is stricken out, I shall be compelled to vote against it. But, with that section, it is not what it ought to be. It ought to contain, without qualification or restriction, the principle of the Ordinance of 1787. I hope to have an opportunity to give my vote for such an amendment. Can we not, in the assertion of human rights, come up to the line where our ancestors stood sixty years ago? Can we not assert those principles of freedom which they then proclaimed, and which have from that day to the present time, when occasion called for it, been repeatedly reaffirmed. And are we now, in this age of progress, to be gravely deliberating whether we shall not repudiate the principle altogether? We are not proposing to introduce any new principle—not endeavoring to make any advance. I am considered rather behind the age. I do not profess to belong to the party of Progress, and God forbid that I should belong to that progressive party which advances backwards in the cause of civil liberty—which, instead of advancing and adopting a more liberal and comprehensive and enlightened policy, proposes to fall back upon antiquated ideas, and to extend and perpetuate an institution originating in a barbarous age, and equally in conflict with every sound idea of enlightened government as it is with every true feeling of humanity.

SLAVERY IN OREGON.

SPEECH OF HON. JOHN A. DIX, OF NEW YORK,

IN THE

SENATE OF THE UNITED STATES,

ON THE

THE BILL TO ESTABLISH A TERRITORIAL GOVERNMENT IN OREGON.

JUNE 26, 1848.

Mr. DIX said:

Mr. PRESIDENT: During the present session of Congress, propositions have been repeatedly introduced into the Senate involving the question of slavery. I have abstained from all participation in the discussions to which they have given rise, because I considered them as abstract propositions having no direct practical bearing or effect. The measure before us is of a different character. It contemplates an act of legislation; it proposes a law containing provisions to be enforced and to control the inhabitants of a district of country more than two hundred thousand square miles in extent. By this act we are literally laying the foundations of a future empire. It is a subject eminently practical, and therefore I speak.

The questions to which the discussion of the bill has given rise, are of the highest moment. They concern the power of Congress over the territory belonging to the United States, and especially in respect to slavery in such territory. Nor is this all. They involve not only the authority of Congress, under the Constitution, to regulate the domestic concerns of the persons inhabiting or occupying the public domain beyond the limits of the States, but they may affect, for an indefinite period, the social and political condition of entire communities. They may vitally concern the prosperity of the future millions who are to fill the valleys and cover the hills of Oregon; and it is due to the magnitude of the subject that it should be discussed with calmness, and without asperity either of feeling or of language.

Conducted in such a spirit, discussion, even if it were unnecessary, could do no harm, however widely we may differ, or however delicate the questions with which it has to deal. Indeed, it is always possible the very conflict of opinion may strike out light and truth, and furnish a basis for an amicable adjustment of differences, which would otherwise have been irreconcilable. It may be a vain hope to expect to harmonize those who are now so wide apart; but if it prove a delusion, it may nevertheless be profitable to indulge it. It may, at least, serve to moderate the tone of discussion.

In the course of the debate on this and other kindred topics, various propositions have been advanced; and they have been sustained with distinguished ability. Some of these propositions are repetitions of the same general assumption, under different phases. For instance: it has been assumed that the citizens of any State in the Union have a right to go into any territory belonging to the United States, and take with them whatever is recognised as property by the local law of the State from which they migrate.

It is also assumed that the inhabitants of a Territory cannot, by any legislative enactment, prevent the citizens of any State in the Union from coming into the Territory with whatever the local law of such State recognises as property. These are little else than verbal modifications of the same proposition; or, at least, the one is a necessary consequence of the other. On the other hand, it is contended that the inhabitants of a Territory belonging to the United States have an inherent right to regulate their own domestic concerns for themselves, wherever the jurisdiction of the soil they inhabit may reside, and without being overruled by the sovereign political power to which they are subordinate.

There is a question which lies beyond all these propositions, and which, if it can be satisfactorily answered, must be decisive of them all, because it includes them all. Has Congress the right, under the Constitution, to legislate for the territory of the United States, organize Governments for the inhabitants residing in such territory, and regulate within it all matters of local and domestic concern? I believe this question can be satisfactorily answered in the affirmative; that the power, to this unlimited extent, can be sustained—1st, by cotemporaneous exposition of the meaning of the Constitution and the intention of its framers; 2d, by judicial interposition; and, 3d, by the whole practice of the Government, from its foundation to the present day.

This is the fundamental question I propose first to discuss. I shall lay aside all consideration of subordinate propositions. These necessarily fall, if the other can be established. My purpose is, to attempt to establish it; and in all I have to say I shall endeavor to be strictly argumentative.

The power of regulating all matters concerning the public domain, I think may fairly be considered a necessary incident to the power of acquiring territory; and this not only in respect to the disposition which may be made of the naked soil, as it has been denominated, but in respect to the classes of persons who are permitted to occu-

py it, and the conditions of the occupation. I consider this unrestricted power as an inseparable incident of sovereignty, to be exercised by the supreme authority of the organized community or State in which it resides. The power of acquisition is itself unrestrained by the terms of our social compact, so far as the objects of acquisition are concerned. It is incidental also. It is derived from the power of making war and treaties; and the limits to the exercise of these powers are to be found in fundamental rules and principles applicable to all organized societies.

But I do not, for the purpose of my argument, place the power on this ground. I assign to it an origin, less likely, I think, to be questioned. I place it on that provision of the Constitution which gives Congress "power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

I am aware that this clause of the Constitution has recently received a construction which confines the action of the Government in respect to the public domain to the narrowest possible limits—a construction which leaves to Congress the mere right to regulate the mode in which the public land shall be surveyed, brought into market, and sold, without any power to regulate the political or municipal affairs of those who settle upon it, while they are acquiring the requisites usually exacted as conditions of their admission into the Union. This construction is subversive of every idea of sovereignty in the State (I use the word in its largest sense) as the owner of the soil. It reduces the Government of the United States to the condition of a mere individual proprietor of land, without a single attribute of political power. Such a consequence could never have been contemplated by the framers of the Constitution as likely to be drawn from the clause in question. On the contrary, I am satisfied they regarded it as conferring a power of the most plenary nature. I shall endeavor to make this apparent to the Senate; and, in doing so, it will be necessary to look at the history of the clause of the Constitution referred to.

On the 18th of August, 1787, Mr. Madison introduced into the Federal Convention, then engaged in framing the Constitution, a series of propositions, in order to be referred to the Committee of Detail. Among them were these: To authorize Congress—

"To dispose of the unappropriated lands of the United States.

"To institute temporary Governments for new States arising therein."

On the 22d of August, Mr. Rutledge, from the Committee of Detail, made a partial report on Mr. Madison's propositions, and on others submitted by Mr. Pinckney on the 20th. Mr. Madison's propositions, above quoted, providing for the disposal of the unappropriated lands and the institution of temporary Governments for new States arising therein, were not reported by the committee. But, on the 30th of August, Mr. Gouverneur Morris introduced the clause respecting the territory belonging to the United States, which, with a few immaterial verbal alterations, is now a part of the Constitution. After Mr. Luther Martin had offered an amendment, which was rejected, the clause was adopted, Maryland alone dissenting.

It may not distinctly appear, at first glance, what Mr. Madison designed by the institution of temporary Governments for "new States arising within" the unappropriated lands. It might be supposed that he intended to provide for their temporary government as States after their erection or formation. But those who are familiar with the parliamentary phraseology of that day, will have no doubt that the term States was used as we now employ the term Territories.

But be this so or not, it is certainly not fair to say, as has been said, that it shared the fate of the proposition to confer upon Congress the power to grant charters of incorporation, to establish a university, and to construct canals, &c. These propositions were distinctly presented to Congress, and formally and decisively negatived by a direct recorded vote, as may be seen by referring to the proceedings of the Convention on the 14th of September.

It was not so with Mr. Madison's proposition in respect to the unappropriated lands of the United States. The most that can be said is, that the committee were not in favor of it in its original form. There was no vote on it in that form in Convention—no rejection. The proposition of Mr. Morris, which is now a part of the Constitution, was manifestly, from its terms as well as the circumstances and the subject-matter, intended as a substitute for it. It was adopted almost without opposition. The power it is construed to confer has been exercised from the earliest period in our history. The attention of the Convention was distinctly drawn to the subject by Mr. Madison; and it is difficult to believe that an authority so general as that of making "all needful rules and regulations" respecting the territory belonging to the United States (the term regulations being used at that time much as we now use the term laws) could have been conferred, without question, if it had been intended to withhold the power of providing for the government of the individuals inhabiting it, until they were admitted into the Union.

On the 13th of July preceding, the Congress of the Confederation had passed the celebrated ordinance of 1787, in relation to the Territory Northwest of the Ohio river. This fact could hardly have been unknown to the members of the Convention. Congress, it is true, was sitting in New York, while the Convention sat in Philadelphia. I believe the proceedings of both were with closed doors; but the members of the latter were doubtless made acquainted with the proceedings of the other. This fact—the coincidence in point of time—may have some slight bearing upon the intention of the clause giving Congress power to dispose of, and make needful rules and regulations respecting, the territory belonging to the United States.

The opinion of Mr. Madison has been quoted to prove the illegality of the ordinance of 1787. This being conceded, it cannot by any supposed consequence or analogy have any bearing on the power of legislation by Congress, under the Constitution, in respect to the prohibition of slavery in the Territories of the United States. The ordinance, as we know, was passed by Congress under the Articles of Confederation, though it was ratified by the first Congress which assembled under the Constitution. Any inference from the

proceedings of the one, so far as the question of power is concerned, would be wholly inapplicable to the other. But I hold, and shall endeavor to show, that the very argument in which Mr. Madison denied the authority of Congress, under the Articles of Confederation, to pass the ordinance of 1787, had for its object to prove the necessity of such a power in Congress under the Constitution, and that it proceeded upon the supposed existence of the power.

The usual reference to prove the illegality of the ordinance is to the opinion of Mr. Madison, in the 38th number of the Federalist, which was written by him. I will read an extract from it referring to the Western territory:

"We may calculate, therefore, that a rich and fertile country, of an area equal to the inhabited extent of the Northern States, will soon become a national stock. They have began to render it productive. Congress has undertaken to do more—they have proceeded to form new States; to erect temporary Governments; to appoint officers for them; and to prescribe the conditions on which such States shall be admitted into the Confederacy. All this has been done, and done without the least color of constitutional authority."

What was the object of this reference? Was it to pass a useless comment upon the conduct of Congress in exceeding its powers? By no means. He adds:

"I mean not, by anything here said, to throw censure on the measures pursued by Congress. I am sensible they could not have done otherwise. The public interest, the necessity of the case, imposed upon them the task of overleaping their constitutional limits. But is not the fact an alarming proof of the danger resulting from a Government which does not possess regular powers commensurate with its objects?"

The whole article, taken together, and not judged by a single extract, appears to me to lead almost irresistibly to the conclusion that Mr. Madison regarded the new system of government, the Constitution, as supplying defects which had led to abuse and usurpation under the old. the Confederation; that he considered the former as remedying the very defects which had imposed on Congress the necessity of overleaping the constitutional limits of their power; that he viewed the provision of the Constitution authorizing Congress "to dispose of, and make all needful rules and regulations respecting, the territory" of the United States, as conferring the power which, in his opinion, Congress had usurped, and as giving legality, under the Constitution, to proceedings which he condemned, under the Confederation, as void of constitutional authority.

Happily, sir, we are not left to mere inference in respect to the opinions of Mr. Madison on this point. If we return to the 43d number of the Federalist, also written by him, we shall find a direct reference to the clause in the Constitution concerning the territory of the United States. If there were any doubt before, I think this would dissipate it. He is speaking of certain powers conferred on Congress by the Constitution. He says: "The eventual establishment of new States seems to have been overlooked by the compilers of that instrument, (Articles of Confederation.) We have seen the inconvenience of this omission, and the assumption of power into which Congress have been led by it. With great propriety, therefore, has the new system supplied the defect."

He next quotes the clause giving Congress "power to dispose of, and make all needful rules and regulations respecting, the territory" of the United States; and adds, "this is a power of very great importance, and required by considerations similar to those which show the propriety of the former." By the former, is meant the power of admitting new States into the Union—a power which he had adverted to as supplying a defect in the Articles of Confederation, and as avoiding the evil of usurping the exercise of an indispensable authority. Would he have denominated it a "power of very great importance," if he had regarded it as limited to a mere sale of the public lands? Would he have said that it was "required by considerations similar to those which show the propriety of the former"—the admission of new States—unless he had considered it as having "supplied a defect?" As in the other case to which he had referred, and empowered Congress to do what it had done in respect to the Northwestern Territory without authority? There were other Territories besides that northwest of the Ohio to be provided for. South Carolina had at that very time ceded to the United States her interest in the territory east of the Mississippi, now comprised in the States of Mississippi and Alabama; North Carolina and Georgia were expected to cede what now constitutes Tennessee, and the residue of Mississippi and Alabama.

Mr. Madison, in the 38th number of the Federalist, written a year after the ordinance of 1787 was adopted, obviously alludes to those two last cessions as reasonably to be expected. How were these territories, and that which South Carolina had ceded, to be provided for; how were temporary Governments to be erected; how were officers to be appointed for them; how was the authority of the United States to be extended over them? Was it not under the clause of the Constitution authorizing "all needful rules and regulations" to be made? Was it not in contemplation of these organic arrangements for the communities which were to arise within the territory then acquired, and expected to be acquired, that Mr. Madison pronounced that clause as conferring "a power of very great importance?"

If we take these two numbers of the Federalist, (the 38th and the 43d,) the reasonings of which are directly connected by himself, in conjunction with his subsequent participation in legislative acts, by which the ordinance of 1787 was enforced, and similar provisions were applied to other portions of the public domain, his interpretation of the Constitution, in respect to the powers of Congress over the territory of the United States, cannot well be doubted. But if any lingering doubt should remain in respect to Mr. Madison's opinions as to the right of Congress to legislate in respect to the municipal concerns of the persons residing upon the territory belonging to the United States, it will be removed by his declaration in Congress, in 1790, that though Congress was restricted by the Constitution from taking measures to abolish the slave trade, yet there were a variety of ways in which it could countenance abolition, "and regulations might be made in relation to the introduction of them [slaves] into the new States to be formed out of the Western territory."

I have been thus particular in explaining Mr. Madison's opinion, not only on account of the high authority which it carries with it, but because, from the manner in which it has been cited, it might seem to support conclusions which, in

my judgment, derive no strength from it whatever."

Let me now call the attention of the Senate to the acts of Congress by which this construction of the Constitution is supported, for the purpose of exhibiting the force it derives from legislative precedents.

I. The ordinance of 1787 was recognised by chapter 8, 1st session, 1st Congress. The preamble recites that "it is requisite certain provisions should be made," &c., in order that the said ordinance "may continue to have full effect." There was no division in either House upon its passage. There seems to have been no objection to it. Mr. Madison's name occurs on the journal of the proceedings of the day on which the bill passed the House, of which he was a member. He was doubtless present, and concurred in the measure.

The first precedent which I cite, has all the force of contemporaneous exposition. It is coeval with the birth of the new Government. It may almost be denominated the work of the framers of the Constitution. It is recorded among the earliest acts by which that instrument was put in operation. It is one of the first footsteps by which the movement of the new Government is to be traced out of the darkness in which its dawn was enveloped, into the clear, broad sunlight of its stability and strength. The act was signed by Gen. Washington.

That the ordinance was not deemed by its framers, or by the Congress which continued it in force, incompatible with any degree of freedom from restraint, which may be justly claimed as essential to political liberty, is apparent from the terms of the instrument itself. The articles, of which the sixth and last prohibited slavery, were expressly declared to be adopted "for extending the fundamental principles of civil and religious liberty, which form the basis whereon these Republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest."

Several considerations suggest themselves in connection with this subject:

1. Neither the framers of the ordinance nor the first Congress considered the perpetual prohibition of slavery in the Northwestern Territory inconsistent with the admission of the States to be formed out of it into the Union on "an equal footing with the original States." Neither the actual tenure of slaves, nor the right to hold them, could have been considered essential to the full fruition of the political liberty which the States possessed as members of the Union.

2. The prohibition was not considered inconsistent with the terms of cession of the territory by Virginia in 1784, which required that the States to be formed out of it should be "Republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence." These rights of sovereignty, freedom, and independence, therefore, which the members of the Federal Union enjoyed, were by the Congress of the Confederation, and the first Congress, deemed fully possessed, although the right to hold slaves was prohibited. Virginia concurred in passing the ordinance in the Congress of the Confederation in 1787, and in continuing it in force in the first Congress under the Constitution in 1789.

Whatever doubt there may be as to the original validity of the ordinance, I believe its authority has always been respected by responsible tribunals. I will read a decision from the Supreme Court of Louisiana, in the case of Merry *vs.* Chexheider, 8 Martin's Reports, (new series,) 699:

"*Appeal from the Court of the First District.*

"Porter, J., delivered the opinion of the Court. The plaintiff sues in this action to recover his freedom, and, from the evidence on record, is clearly entitled to it. He was born in the Northwestern Territory since the enactment of Congress, in 1787, of the ordinance for the government of that country, according to the 6th article of which there could be therein neither slavery nor involuntary servitude. This ordinance fixed forever the character of the population in the region over which it is extended, and takes away all foundation from the claim set up in this instance by the defendant. The act of cession by Virginia did not deprive Congress of the power to make such a regulation.

"It is therefore ordered, adjudged, and decreed, that the judgment of the District Court be affirmed with costs."

II. On the 7th of April, 1798, an act was passed for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a Government in the Mississippi Territory. This act authorized the President to establish therein a Government in all respects similar to that in the Territory Northwest of the Ohio river, excepting the sixth article of the ordinance of 1787. It then prohibited the importation of slaves into the Territory from any place without the limits of the United States. This act was passed ten years (less a few months) before Congress was authorized by the Constitution to prohibit the importation of slaves into the States which were originally parties to the Federal compact. This provision of the Constitution applied only to the then existing States. It did not extend to the States thereafter to be formed, or to the Territories of the United States; a fact of the highest importance, if it is to be regarded as a limitation of a vested power.

The exercise by Congress of the power of prohibiting the introduction of slaves into the Mississippi Territory from foreign countries appears to have passed without opposition. I find no division in either House on that clause of the bill. This fact shows the undisputed interpretation put at that day on the Constitution of the United States in respect to the powers of Congress over every matter of domestic concern in the territory belonging to the United States, and especially over the subject of slavery, the most delicate of all. There was a direct exercise by Congress, in respect to the Territories, of a power which was positively prohibited in respect to the States existing at the adoption of the Constitution. This act passed under the administration of the elder Adams.

III. At the 1st session of the 6th Congress, chap. 41, Laws of 1800, an act was passed to divide the Territory belonging to the United States northwest of the Ohio river into two separate Governments. This act created a Territorial Government for Indiana, in all respects similar to that provided by the ordinance of 1787 for the government of the Northwestern Territory. This pro-

cedent reaffirms the principles contained in the ordinance. The act was signed by the elder Adams.

IV. On the 26th of March, 1804, an act was passed dividing Louisiana into two Territories, and providing for the temporary government thereof. All that part of the territory south of the 33d parallel of latitude, now the southern boundary of Arkansas, was erected into the Territory of Orleans.

The 10th section of the act had three provisions in respect to slavery in the territory: 1. The importation of slaves, from any place without the limits of the United States, was prohibited; 2. The importation, from any place within the limits of the United States, of slaves imported since the 1st May, 1798, was prohibited; and, 3. The importation of slaves, except by a "citizen of the United States removing into said Territory for actual settlement, and being at the time of such removal bona fide owner of such slaves," was prohibited.

When this section was under discussion in the Senate, a motion was made to strike out the last clause, and it was negatived by a vote of 19 to 9. Among the votes in the negative were John Breckenridge and John Brown, of Kentucky; Jesse Franklin, of North Carolina; James Jackson, of Georgia; Samuel Smith, of Maryland; Thomas Sumter, of South Carolina; William H. Wells and Samuel White, of Delaware; 8 of the 19 from slaveholding States.

The House Journal does not show any opposition to this section. The vote on the final passage of the bill was 66 yeas and 21 nays. Of the latter, only 7—one-third of the whole number—were from slaveholding States.

The Territory of Orleans appears to have remained subject to these restrictions—at least all but the first—until 1812, when it was erected into a State, with the name of Louisiana. At least I can find nothing to the contrary. On the 2d March, 1805, an act further providing for the government of the Territory was passed, by which the Ordinance of 1787 was applied to it, except the sixth article, prohibiting slavery forever, and so much of the second paragraph as regulated the descent and distribution of estates. But, by the eighth section of the act, the act of March 26, 1804, dividing the Territory of Louisiana, which was limited in its operation to one year and to the end of the next session of Congress thereafter, was continued in full force until repealed, excepting so far as it was repugnant to the act of 1805.

The restrictions on the importation of slaves were not repugnant to that act, and they must have been continued in operation. I state this fact because it has been supposed and asserted that the act of 1804 was repealed the next year, as though Congress had passed it inconsiderately, and had thus only become convinced of the illegality of the restrictions upon slavery, which it contained. But the construction of the act of 1805 is so obvious, that the repeal cannot be admitted without judicial interpretations showing it. I find none. On the contrary, I find a decision of the Supreme Court of Louisiana, showing that these restrictions were continued in force. I will read an extract from it to the Senate:

"Formerly, while the act dividing Louisiana into two Territories was in force in this country, slaves, introduced here in contravention to it, were freed by operation of law; but that act was merged in the legislative provisions which were subsequently enacted on the subject of importation of slaves into the United States generally."—*Gomez* vs. *Bommerel*, 6 *Martin's Rep.*, 656, *(Supreme Court of Louisiana,)* 1819.

The general law referred to, went into operation on the 1st of January, 1808. If, therefore, there was, as this decision shows, a merger in 1808, there could have been no repeal in 1805.

There cannot be a stronger case to show the control Congress has exercised over the subject. Slavery existed in Louisiana when it was ceded to the United States. Congress did not impose any restriction on the tenure of slaves then held in the Territory; that might have impaired vested rights of property under the local law, which the United States had covenanted in the treaty of cession to maintain and protect. But Congress not only proceeded, at once, to prohibit the importation of slaves from foreign countries, but to prohibit their introduction from the States of the Union, excepting when accompanying and belonging to citizens of the United States moving into the Territory to become residents. This was to impose restrictions upon its extension, even within the Territory in which it existed. It was a direct prohibition of the domestic slave trade. It was an exercise of power, in respect to the Territories, which Congress did not possess in respect to the States. It was an anticipation, by four years, of the time at which Congress was authorized to prohibit the importation of slaves into the original States. This act was signed by Jefferson.

V. On the 11th January, 1805, an act was passed establishing the Territory of Michigan, with a Government "in all respects similar to that provided by the Ordinance of Congress, passed on the 13th day of July, 1787, for the Government of the territory of the United States northwest of the river Ohio."

VI. On the 3d of February, 1809, a similar Government was established for the Territory of Illinois. These two last acts also passed under Mr. Jefferson's Administration.

VII. On the 4th of June, 1812, an act was passed "providing for the Government of the Territory of Missouri," and the laws and regulations in force in the district of Louisiana were continued in operation.

VIII. On the 3d March, 1817, a Government was formed for the Territory of Alabama, and the laws then in force within it as a part of Mississippi were continued in operation. These acts were passed under Mr. Madison.

IX. On the 2d March, 1819, the Territory of Arkansas was formed from the Territory of Missouri, and a Government established for it.

X. On the 6th March, 1820, the inhabitants of Missouri were authorized to form a Constitution and State Government, and slavery was prohibited in all that part of the Territory of Louisiana north of 36 deg. 30 min. north latitude. In this exercise of legislative power, the greatest latitude is given to the authority claimed under the clause of the Constitution respecting the territory of the United States.

XI. On the 30th March, 1822, an act was passed for the establishment of a Territorial Government in Florida, containing provisions making it unlawful "to import or bring into the said Territory, from any place without the limits of the United States," any slave or slaves.

These three acts were passed under Mr. Monroe's Administration.

XII. On the 20th April, 1836, an act was passed "establishing the Territorial Government of Wisconsin," securing to the inhabitants "the rights, privileges, and advantages," secured to the people of the Northwestern Territory by the Ordinance of 1787, subjecting them to "the conditions, restrictions, and prohibitions," contained in said Ordinance, and extending the laws of the United States over them. This act was signed by General Jackson.

XIII. On the 12th June, 1838, a Territorial Government for Iowa was established, and the laws of the United States extended over it. This act was signed by Mr. Van Buren.

And here, Mr. President, I close the rapid specification of legislative precedents, commencing with the first Congress, and running, with a current of authority uninterrupted and almost unopposed, through more than half a century, down to the present day.

By looking through these acts, it will be found that the power of governing the persons occupying the territory belonging to the United States has been exercised by Congress in almost every form, and for a great variety of purposes, municipal as well as political. Officers have been appointed, their qualifications prescribed, the right of suffrage fixed, limited, and extended, the descent and distribution of estates regulated, courts organized and their powers defined, personal rights secured, and, in general, the whole power of legislation has been controlled by Congress, through the supervision it has retained over the laws passed by the legislative assemblies of the Territories.

Let us now see how far this exercise of legislative power has been sanctioned by judicial interpretations. I quote from decisions of the Supreme Court, the highest judicial tribunal in the United States. That Court, in reference to the clause of the Constitution giving Congress power to dispose of, and make all needful rules and regulations respecting, the territory belonging to the United States, say:

"The power given in this clause is of the most plenary kind. Rules and regulations respecting the territory of the United States: they necessarily confer complete jurisdiction. It was necessary to confer it without limitation, to enable the new Government to redeem the pledge given to the old in relation to the formation and powers of the new States."—*The Cherokee Nation vs. The State of Georgia, 5 Peters, 44.*

"The term 'territory' as here used, is merely descriptive of one kind of property, as is equivalent to the word 'lands,' and Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation, and has been considered the foundation upon which the Territorial Governments rest. In the case of McCulloch *vs.* The State of Maryland, 4 Wheaton, 422, the Chief Justice, in giving the opinion of the Court, speaking of this article, and the powers of Congress growing out of it, applies it to the Territorial Governments, and says all admit their constitutionality. And again, in the case of the American Insurance Company *vs.* Canter, (1 Peters, 542) in speaking of the cession of Florida under the treaty of Spain, he says that Florida, until she shall become a State, continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property of the United States."—*The United States vs. Gratiot et al., 14 Peters, 537.*

"Perhaps the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, its possession is unquestioned."—*Chief Justice Marshall; the American Insurance Company vs. Canter, 1 Peters, 542.*

I might refer to other decisions of the Court, in which the same principle is recognised, though less directly perhaps, but sustaining the same interpretation of the Constitution, and giving validity to the legislative precedents I have cited. Writers on constitutional law (Rawle, Sergeant, Story) concur in this construction. In short, it is believed that no power exercised under the Constitution, of such magnitude as that of governing the Territories belonging to the United States, has been more uniformly acquiesced in from the formation of the Government to the present day, and in all its departments, Legislative, Executive, and Judicial.

No system of rules would be safe, if its authority could be disputed and overturned, in the face of such comprehensive and long-continued sanctions. Government, law, social and political order, would become unstable, uncertain, and worthless, as safeguards, either to property or life, if their foundations could be thus sapped and undermined by logical subtlety and refinement—by new versions of the Constitution at war with its ancient interpretations, and running counter to the whole course of the public administration from the earliest periods of time.

And here, Mr. President, I dismiss the question of power. If, as I think, the affirmative is sustained, something, nevertheless, remains to be considered. A power may be possessed, and yet it may not be right to exert it. Its exercise must be justified by considerations of public advantage: it must not work either public or private wrong. I propose to consider it under this aspect.

And, in the first place, I intend to say nothing in regard to private interests excepting this—that there is no proposition before us to interfere with slavery where it exists—no restriction on the exercise of private or personal rights within the sphere of the local laws under which they arise. The question before us is, whether slaves shall be permitted to be introduced into Oregon, or whether their introduction shall be prohibited. It is a remote Territory, generally conceded (though in this I do not concur, as I shall hereafter explain more fully) as not likely to be occupied by slaves, if they were allowed to be carried there. The fact that it is generally admitted to be unfit for slave labor, must divest the question of all practical infringement of private rights, even in the estimation of those who take extreme views of the subject. I shall therefore consider it only in its bearing upon great public interests.

Mr. President, I consider this question, in the form it has assumed, as involving the extension of slavery. I consider it so under the motion to strike out the 12th section, which substantially prohibits the introduction of slaves into Oregon. But it is made so more particularly by the amendment offered by my friend from Mississippi, [Mr. Davis,] which provides—

"That nothing contained in this act shall be so construed as to authorize the prohibition of domestic slavery in said Territory, whilst it remains in the condition of a Territory of the United States."

I understand this as an assertion of the right

to carry slaves into Oregon, both against the interference of Congress, and the desire of the inhabitants to exclude them. I understand it as maintaining the right to introduce domestic slavery into Oregon. This is extension, and against the wishes of the inhabitants, who have prohibited its introduction. Let me, then, present some considerations concerning this whole subject of extension.

Those who oppose the extension of slavery to wider limits believe that such extension promotes the multiplication of slaves. On the other hand, it is contended that it makes no addition to their numbers, but merely spreads them over a broader surface. This position is believed to be wholly inconsistent with all the received laws of population. The tendency of the human race is to increase in a compound ratio of the extent and productiveness of the surface on which it is sustained. The highest possible impulse is given to this increase in an unoccupied country, distinguished for its fertility, and offering certain rewards for the products of labor. This is the character of our own soil. Wherever slave labor can be carried, it will, for a time, be productive. Missouri affords a strong illustration of the truth of this proposition. That State lics wholly north of 36 deg. 30 min. north latitude, excepting a strip about thirty miles wide on the Mississippi, running down to the 36th parallel, and yet, though so far north, slavery made rapid progress there after her admission into the Union. By the census of 1820 there were 10,222 slaves; in 1830, 24,820—an increase of 140 per cent. in ten years; and in 1840, 58,240—an increase of 135 per cent. in ten years. For several years, the slave population increases more rapidly than the free. In all new and fertile soils, where the demands for labor are urgent, this will be the inevitable result. The multiplication of the human species is governed by laws as inflexible and certain as those which govern the reproduction of vegetable life. In both, the stimulus, whatever it may be, constitutes the law of the increase. I am aware that the ratio of increase in Missouri, both in respect to the white and the black race, was materially modified by immigration; and to that extent the result is independent of the application of the principle I have stated. But it can hardly be denied that surface, productive surface, is the great element in our extension. It is this alone which has carried the ratio of our increase far beyond that of any other people. If we had been restricted to the area of the thirteen original States, how different would have been the result of our decennial enumerations! The same principle governs the white and the black races. The laws of labor, subsistence, and population, act on both, though not everywhere with the same intensity.

If these conclusions are just, an enlargement of the surface over which slavery is spread carries with it by force of invincible laws, a multiplication of the race held in bondage; in other words, a substantial increase of the number of slaves. Extension in respect to surface is multiplication in point of number. The two propositions cannot be legitimately separated, either in reason or in practice. In this view of the subject, the extension of slavery is a reproduction of the original responsibility of introducing it; and in this respect it has a moral bearing, to which the great mass of the community cannot be indifferent.

Mr. President: In providing for the government of our Territories, while they continue subject to the exclusive regulation of Congress, no view of the subject would be complete which overlooks the part we are performing in the great movement of civilized society, on both sides of the Atlantic. Let us turn our attention to some of the considerations which suggest themselves in connection with this point. It requires no powers of prophecy to foretell that we are destined to spread ourselves over the greater portion of the American continent on this side the great lakes, south to the densely peopled portions of Mexico, and west to the Pacific. Nor is it an idle dream of the imagination to foresee in our political organization the foundations of an empire increasing more rapidly and destined to expand to broader limits than the Roman Republic; not an empire, like the latter, founded in war, and propagating itself by brute force, but an empire founded in peace, and extending itself by industry, enterprise, and the arts of civilization. Rome, in receiving into her bosom the surrounding population as she conquered them, instructed them in the art of war, and made them the instruments of new aggressions. We receive into ours the surplus population of the Old World, to instruct them in the arts of peace, and to accelerate the march of civilization across the Western continent.

There is nothing in the history of human society so calculated to exalt it as the spectacle we present—receiving into the bonds of friendship, and admitting to the rights of citizenship, the surplus of the over-peopled and over-governed countries of Europe. These annual additions constitute an element of no inconsiderable force in the ratio of our progression. In the last quarter of a century—about the period we take for a duplication of our numbers—we have received from the United Kingdom of Great Britain and Ireland alone, nearly a million of immigrants; and from continental Europe we have had large additions. These drains on the one hand, and accessions on the other, are not only likely to continue, but to increase in force. A surplus population, provided for by emigration, is certain to be regularly produced. Europe, therefore, will not be numerically weakened by these annual drains, even though we should be indefinitely augmented; and every addition to our numbers from abroad renders the force of immigration more intense, by relaxing the ties which bind to their native soil the kindred multitudes left behind.

For an indefinite period, then, we may calculate on large and constantly increasing additions to our population by immigration; and the natural multiplication of our own people, under the impulse of the powerful stimulants contained in a soil of extraordinary fertility, and in the superabundant supply of food, will doubtless maintain our past rate of increase, and give us, at the close of the present century, 100,000,000 of inhabitants.

One of the most interesting and important problems, both for the American statesman and philosopher, is to determine of what race or races this vast population shall consist; for, on the solution which future generations shall give to it, will essentially depend the prosperity of the com-

munity or communities they will constitute, and their ability to maintain such a form of government as shall secure to them the blessings of political liberty, and an advanced civilization.

In a general survey of the races by which the earth is peopled, though the varieties are infinite, there are but four grand divisions—the Asiatic, the Caucasian, the Ethiopian, and the Indian. The whole surface of Europe, with some inconsiderable exceptions, is occupied by the Caucasian race—by the descendants of the energetic and independent hordes, which, from the shores of the Caspian, spread themselves over Germany, and ultimately over Western Europe, and laid the foundations of nearly all the civilization the world contains. From this Indo-Germanic or Caucasian race we are ourselves descended; and we are doing for the New World what they did for the Old—spreading ourselves over and subduing it—not, indeed, by arms, but by the arts of peace. In whatever portion of Europe emigration to the United States takes its rise, it brings with it homogeneous currents. The same blood fills the veins of all. If shades of variety exist in the intellectual and physical characteristics of the multitudes who come among us, it is to be traced to the influences which diversities of soil, climate, and government, have exerted upon them in the different sections of Europe in which their lot has been cast. In the great outlines of this physiognomy, animal and moral, they are identical; and they are distinguishable from all other races by peculiarities not to be mistaken.

I believe it to be in the order of Providence, that the continent of North America, with the exception, perhaps, of some inconsiderable districts, is ultimately to be peopled by the same race which has overspread Europe, and made it what it is in science, in art, in civilization, and in morals. We may, by a misapplication of the means at our command, thwart for a season the Divine purpose; we may postpone the consummation of the end we have to accomplish; but the deeply-seated causes which are at work will ultimately triumph over all obstacles. Years, possibly centuries—(and what are centuries in the history of nations and empires?)—I say, possibly centuries may be necessary to complete this process; but it must, in the end, be completed.

I believe it may be satisfactorily shown that the free black population in the Northern States does not increase by its own inherent force. I doubt whether it is fully reproduced. In four of the New England States—Vermont, New Hampshire, Rhode Island, and Connecticut—the black population, from 1820 to 1840, materially decreased. In New York, Massachusetts, and Maine, there was an increase during the same period; but this was doubtless due to the immigration of manumitted blacks from the South, finding their way to the principal commercial States. Without these accessions, the result in these States would probably have been the same as in the four New England States referred to. Under the most favorable circumstances it is, and must continue to be, an inferior caste in the North. It counts nothing in the estimate, physical or intellectual, of the strength of the body politic. Even when the forms of its admission to the privileges of freemen are complete, it is an excluded class. Let the liberal and the humane do what they may, they cannot change the unalterable law of its destiny. Public opinion at the North—call it prejudice if you will—presents an insuperable barrier against its elevation in the social scale. My own State has recently, by a majority of about 130,000, refused to place blacks on the same footing as whites in the exercise of the elective franchise. Illinois and Connecticut have, I believe, done the same thing by decided votes. A class thus degraded will not multiply. This is the first step in retrogradation. The second almost certainly follows. It will not be reproduced; and in a few generations, the process of extinction is performed. Nor is it the work of inhumanity or wrong. It is the slow but certain process of Nature, working out her ends by laws so steady, and yet so silent, that their operation is only seen in their results. I am not sure that this fact is so supported by statistical data that it can be settled beyond doubt. If it were, it might solve a great problem in population in the United States—a problem full of consequence and of instruction for our guidance—that manumitted blacks, as a class, do not multiply, and perhaps are not reproduced.

Is it the part of wisdom or humanity to promote the extension or increase of a race, which has its destiny written in characters not to be mistaken or effaced—an extension adding nothing to the public prosperity or strength, and enlarging the basis of human degradation and suffering?

What is the true policy of the country, looking to its rapid growth and to the steady extension of our people over the unoccupied portions of this continent? Sir, there is a grave cause for reflection in the unexampled increase of our population by its inherent force, and still more in the vast accessions annually made to our numbers by immigration. The public order and prosperity depend in some degree in giving to these accessions, foreign and domestic, a uniform and homogeneous character. We could not divert the current of immigration, if we were disposed to do what every dictate of humanity repels and condemns. It is in the vast and fertile spaces of the West that our own descendants, as well as the oppressed and needy multitudes of the Old World, must find the food they require, and the rewards for labor which are necessary to give them the spirit and the independence of freemen. I hold it to be our sacred duty to consecrate these spaces to the multiplication of the white race. Our part is to see, as far as in us lies, that this new material is made to conform to the political organization of which it is to become an integral part. I have always believed this object would be best accomplished by a liberal policy. The Federal Government can do nothing in this respect. The State Governments must do all—rather perhaps by acting upon future generations than the present—by establishing schools, by the removal of restrictions upon the application of labor and capital, and by emancipating industry, under all its forms, from the shackles of privilege and monopoly.

If we were to look to the rapid increase of our own population alone, without reference to external accessions — accessions annually increasing, and with a constantly accelerated force—I should hold it to be our duty to promote, by all just and constitutional means, the multiplication of the

white race, and to discourage, as far as we properly can, the multiplication of every other. Reason and humanity, acting within the limits of the Constitution, will define the mode and extent of the agency we may exert over our destinies in this respect. With regard to the policy of peopling this Continent by the highest race in the order of intellectual and physical endowment, there can be no difference of opinion. No man can hesitate to say whether the condition of this Continent, in all that concerns its government, morals, civilization, prosperity, strength, and productiveness, would be most likely to be promoted by peopling it with the race from which we are sprung, or with the descendants of the Ethiop and the Caffre. There may be portions of the Southern States in which the climate and objects of cultivation require the labor of the blacks. I pass by all considerations of this character, for an obvious reason. If there are portions of the Union which can only be cultivated by the African race, they are embraced within the territorial boundaries of organized States, over whose domestic condition and relations the Federal Government has no control. The question concerns only them, and I forbear to touch it. But admitting the necessity of slave labor there, the admission furnishes no argument in favor of the extension of the African race to Territories in which no such necessity exists.

The character of the population by which this continent is to be occupied is a subject of vital importance to every section of the Union. The strength of the whole is concerned, and, with its strength, its security from external aggression and intestine disorder and violence. The nearer the great body of our people—those especially who till the earth—approach the same standard in intelligence and political importance, the more likely we shall be to maintain internal tranquillity in peace, and bring to the common support in war the united strength of all.

A degraded class is always, and must be, by force of immutable laws, an element of insecurity and weakness. I will not say that the North is as much interested in this question as the South. But we have a very deep interest in it. Manumitted slaves come to us in considerable numbers. They will continue to do so in spite of any discouragements we may oppose, and without the aid of compulsory legislation on the part of the States in which they are manumitted. All such additions to our numbers are in the highest degree undesirable. They add nothing to our strength, moral or physical; and, as we fill up, their tendency is to exclude whites to the extent that they contribute to supply the demand for labor. If the fifty thousand free blacks in New York were to be withdrawn, their places would be filled by an equal supply of white laborers. Our strength and our prosperity would be proportionably increased by substituting white citizens for a class laboring under civil disqualifications, and excluded, by the force of opinion, from all share in the concerns of Government. We desire and need independent, not dependent, classes. We have, then, a deep interest in this question—first as a member of the common Union, and next as a community in some respects independent and sovereign. In both relations it concerns our permanent welfare; and we can never consent or contribute—by any act, by inaction, by acquiescence, expressed or implied—to the extension of slavery to regions in which it does not now exist.

It is generally conceded that there is nothing in the climate or productions of Oregon which requires the labor of blacks. If this be so, slavery, if introduced, would gradually give way in the competition with free labor. Notwithstanding this inherent tendency of slavery to wear itself out in districts to which it is not indispensably necessary, it will be profitable for a time in new countries where there are lands to be brought under cultivation, and where there is an urgent demand for labor. But for a temporary purpose—with the assurance that it must eventually be eradicated—would it not be unjust and unwise, considering the question in its political bearing alone, to decline to exclude it, and to make the prohibition absolute?

Gentlemen have said this is not a practical question—that slaves will never be taken to Oregon. With all deference to their opinions, I differ with them totally. I believe, if permitted, slaves would be carried there, and that slavery would continue at least as long as in Maryland or Virginia. The Pacific coast is totally different in temperature from the Atlantic. It is far milder. Lines of equal temperature—isothermal lines, as they are technically denominated—traverse the surface of the earth in curves of varied eccentricity in reference to the parallels of latitude. These curves are nowhere, perhaps, greater than on this Continent. In the latitude of Nova Scotia, which is bound for nearly half the year in fetters of ice, snow on the Pacific does not lie more than three or four weeks. In the valley of the Wihanmette, above the forty-fifth degree of north latitude—the parallel of Montreal—grass grows the whole winter, and cattle are rarely if ever housed. Green peas are eaten at Oregon City, in the same parallel, at Christmas. Where is the corresponding climate to be found on this side of the Continent? Where we sit—near the thirty-ninth? No, sir, far to the south of us. The latitude of Georgia gives on the Pacific a tropical climate.

When I say this is a practical question, I do not rely on reasoning alone. The prohibition of slavery in the laws of Oregon was adopted for the express purpose of excluding slaves. A few had been brought in; further importations were expected; and it was with a view to put a stop to them that the prohibitory act was passed.

Shall we, then, refuse to ratify this prohibition? Are we unwilling to extend to the inhabitants of Oregon a privilege they ask for themselves? Shall we, by our judgment, solemnly pronounced here, declare that the Territory of Oregon shall be open to the introduction of slaves, unless the people, through their Legislative Assembly, reenact the prohibition? I might go further, and ask, in reference to a proposed amendment, whether we are prepared to say, against the wishes of the inhabitants, that the introduction of slaves into Oregon shall not be prohibited?

Mr. President, I desire it not to be understood, in putting these inquiries, that I am in favor of leaving to the inhabitants of Territories the decision of a question, not only affecting them, but of vital importance to the prosperity of the whole community. I have always regarded it as one of the high duties of the Federal Government to give

direction and shape to the institutions of the inhabitants of a Territory while preparing themselves for admission into the Union. This temporary subordination was deemed necessary for the Northwest Territory, even though settled by the unmixed population of the thirteen original States, trained to self-government, and to the exercise of political rights, under institutions of the most faultless character. How much more necessary is such a supervision now, when Territories are becoming annexed to the Union inhabited by the most heterogeneous races, and wholly unused to the enjoyment or exercise of rational freedom?

An honorable Senator from North Carolina [Mr. Badger] denominated this submission of power to inhabitants of the Territories a republican measure, or as in accordance with the genius of our republican institutions. Sir, it was not so considered in former times—in the earlier and better days of the Republic. Let me state some historical facts touching this question.

In 1805, an act was passed for the Government of the Territory of Orleans. While the bill was under discussion in the Senate, certain amendments were offered, the effect of which would have been to give the inhabitants of the Territory of Orleans the management of their own domestic concerns, uncontrolled by Congress. The Journal of the Senate does not show by whom the amendments were offered; but, on searching the records of that period, I find the manuscript copy endorsed, "Mr. Tracy's motion to amend bill." I think this may be regarded as the original, to which subsequent attempts to emancipate the Territories from the control of the Federal Government, before they have the population necessary to give them a representation in Congress, may be referred. Whatever the doctrine may be considered at the present day, it derives little support from republican sources then. It was brought forward by Mr. Tracy, an able and respectable Federalist from Connecticut.

On the division, which was called on his motion to strike out for the purpose of inserting his amendments, it received but eight votes, including his own. They were given by Timothy Pickering and John Quincy Adams, of Massachusetts; Uriah Tracy, the mover, and James Hillhouse, of Connecticut; James A. Bayard and Stephen White, of Delaware; Simcon Olcott, of New Hampshire; and James Jackson, of Georgia. With the exception of Mr. Jackson, all these gentlemen were Federalists, for it was not until several years later that Mr. Adams acted with the Republican party. Some of them were among the brightest ornaments of the Federal party of that day, both in respect to talents and private character, and all were strenuous opponents of Mr. Jefferson's administration. Against these eight ayes were twenty-four noes, given by the great body of Mr. Jefferson's supporters and some of his opponents. Among the former, were Baldwin of Georgia, Giles of Virginia, and Smith of Maryland. The supporters of the measure were, with one exception, Federalists, and opponents of Mr. Jefferson's administration. Its opponents were chiefly Republicans, and supporters of his administration.

At the same session of Congress, memorials were presented to both Houses of Congress from the inhabitants of the Territory of Orleans, and from the District of Louisiana. The former prayed to be admitted immediately into the Union, and insisted that they had a right to such admission under the treaty of cession. The latter asked for a Territorial Government; the whole Territory, or District of Louisiana, as it was called, lying north of the thirty-third parallel of latitude, having been virtually subjected, in respect to the administration of its legislative, executive, and judicial powers, to the Governor and Judges of Indiana Territory. In both cases, the inhabitants prayed for the privilege of importing slaves. These memorials were referred, in the House of Representatives, to a committee, of which Mr. John Randolph was chairman.

On the 25th of January, 1805, Mr. Randolph made a report, which will be found at page 417 of vol. 20, American State Papers, printed by Gales & Seaton, concluding with a resolution, "That provision ought to be made by law for extending to the inhabitants of Louisiana the right of self-government." This resolution was agreed to, on the 28th of January, without a division.

Mr. Randolph's report, while asserting that "every indulgence, not incompatible with the interests of the Union," should be extended to the inhabitants of Louisiana, and while declaring that the object of the committee was "to give to Louisiana a Government of its own choice, administered by officers of its own appointment," maintained, at the same time, that, in "recommending the extension of this privilege to the people of that country, it [was] not the intention of the committee that it should be unaccompanied by wise and salutary restrictions. Among these may be numbered a prohibition of the importation of foreign slaves, equally dictated by humanity and policy, [here follows an enumeration of other restrictions,] to which may be added, (for further security,) that such of the laws as may be disapproved by Congress, within a limited time after their passage, shall be of no force and effect."

The report of Mr. Randolph asserts, to the full extent, the right of Congress to provide for the government of the Territories, to impose on them such restrictions as were demanded by the interests of the Union, and to prohibit the introduction of slaves from foreign countries, as a measure of humanity and policy.

Such was the action of the two Houses of Congress on this subject, involving the question of yielding to the inhabitants of Territories the control of their own domestic affairs, and exempting their legislation from the supervisory and repealing power of Congress. If we regard it as a party measure, all the Republican sanctions of that day were against it. And if we consider it as a political question, to be determined, with regard to its complexion, by a reference to the genius of our institutions, it is singular that those who were most deeply imbued with the spirit of republicanism should have been arrayed against it.

Let me now examine for a moment the question immediately before us. A motion is made to strike out the 12th section of this bill. The section provides—

1st. That "the inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities, heretofore granted and secured to the Territory of Iowa, and to its inhabitants."

2d. That "the existing laws now in force in

the Territory of Oregon, under the authority of the Provisional Government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of this act; subject, nevertheless, to be altered, modified, or repealed, by the Governor and Legislative Assembly of the said Territory of Oregon."

3d. That "the laws of the United States are hereby extended over and declared to be in force in said Territory, so far as the same, or any provision thereof, may be applicable."

In order to see what rights, privileges, and immunities, the people of Oregon are to acquire, we must refer to the act originating the Territory of Iowa. The twelfth section of this act provides, "that the inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities, heretofore granted and secured to the Territory of Wisconsin and its inhabitants." &c.

We must next have recourse to the act organizing the Territory of Wisconsin. The twelfth section of this act provides: "That the inhabitants of the said Territory shall be entitled to, and enjoy, all and singular, the rights, privileges, and advantages, granted and secured to the people of the Territory of the United States Northwest of the river Ohio, by the articles of the compact contained in the Ordinance for the government of the said Territory, passed on the 13th day of July, 1787; and shall be subject to all the conditions and restrictions and prohibitions in said articles of compact imposed upon the people of the said Territory."

It will be seen that there is an essential difference in the language of the two sections. The twelfth section of the act organizing the Territory of Iowa secures the rights, privileges, and immunities, secured to the Territory of Wisconsin and its inhabitants, including the Ordinance of 1787; but it does not expressly impose the conditions, restrictions, and prohibitions, contained in that Ordinance. Now, I suppose the exclusion of slavery from the Northwest Territory by the Ordinance is to be referred rather to that class of restrictions and prohibitions than to that of privileges and immunities. Under such a construction of the act, slavery would not have been excluded from Iowa by the twelfth section of the act establishing a Government for that Territory, nor would it be excluded from Oregon by that portion of this bill which secures the inhabitants "the rights, privileges, and immunities, heretofore granted and secured to the Territory of Iowa and its inhabitants."

I know there is a difference of opinion in respect to the true construction of the twelfth section of the act organizing a Government for the Territory of Iowa. The Senator from Maryland, [Mr. Johnson,] whose legal opinions are entitled to great weight, is of opinion that the slavery restrictions contained in the twelfth section of the act organizing a Territorial Government for Wisconsin, in which Territory Iowa was taken, are embraced in the twelfth section of the act establishing a Government for the latter. The Senators from North Carolina and Georgia [Mr. Badger and Mr. Berrien] consider the conditions, prohibitions, and restrictions, imposed by the Ordinance of 1787 on the one hand, and the rights, privileges, and advantages, secured on the other, as distinct, substantive propositions, of which the latter only are embraced in the twelfth section of the last-named act. And although I will not undertake to decide between them. I confess this seems to me the most reasonable construction. Practically, this question was of no importance as to Iowa, as slavery was excluded from that Territory, which was a part of Louisiana, by the Missouri Compromise.

Let us now look at the next provision of this section, which I consider the most important. It declares that the laws now existing in Oregon shall continue to be valid and operative, &c.

One of these laws contains a prohibition of slavery. I will read it. It is article one, section four, of the organic laws of Oregon:

"There shall be neither slavery nor involuntary servitude in said Territory, otherwise than for the punishment of crimes, whereof the party shall be duly convicted."

This prohibition is adopted by the section I am considering; and the exclusion of slavery will, for the time, be as complete as though it were expressly prohibited by an adoption of the amendment offered by the Senator from New Hampshire, and subsequently withdrawn by him. That amendment subjected the Territory of Oregon to the restrictions and prohibitions of the Ordinance of 1787. It would have been a perpetual exclusion of slavery; and in this respect it differs from the twelfth section as it stands. For instance: under this section, the inhabitants of Oregon might rescind or repeal the law prohibiting slavery; this act of repeal would go into immediate effect, and slaves could be introduced into the Territory. The sixth section, however, provides, that all laws passed by the Governor and Legislative Assembly shall be submitted to Congress, and, if disapproved, shall be void and of no effect. If such an act of repeal should be passed, it would bring the question again before Congress for its approval or disapproval. Such an act is certainly very unlikely to be passed by the legislative authority of the Territory. Still, the positive prohibition contained in the Ordinance of 1787 is preferable, as making a final disposition of the question; and it is in accordance with the whole legislation of the country in respect to Territories situated like this. I shall, therefore, at the proper time, unless some other Senator does so, offer an amendment to that effect.

I regret exceedingly, Mr. President, to have taxed the patience of the Senate so long; but I believed I was performing a duty to high principles, and to the State I have, in part, the honor to represent; and no consideration could induce me to shrink from the performance of it.

Before I conclude, I desire to state some positions which I took last winter, in discussing what was termed the Three Million Bill. I thought then, and I think still, that they constitute the only practical and reasonable basis for the settlement of this question. They were these:

1. All external interference with slavery in the States is a violation of the compromises of the Constitution, and dangerous to the harmony and perpetuity of the Federal Union.

2. If territory is acquired by the United States, it should, in respect to slavery, be received as it is found. If slavery exists therein at the time of the acquisition, it should not be the subject of legislation by Congress. On the other hand, if

slavery does not exist therein at the time of the acquisition, its introduction ought to be prohibited while the Territory continues to be governed as such.

3. All legislation by Congress, in respect to slavery in the territory belonging to the United States, ceases to be operative when the inhabitants are permitted to form a State Government; and the admission of a State into the Union carries with it, by force of the sovereignty such admission confers, the right to dispose of the whole question of slavery at its discretion, without external interference.

These positions were in substantial accordance, as I supposed, with the declared opinions of the Legislature of New York; and they have been recently reaffirmed, so far as the exclusion of slavery from territory in which it does not now exist is concerned.

I believe this to be the only just, equal, and reasonable basis on which this question can be amicably settled. Such a result may be hopeless Extreme views on both sides may defeat all adjustment of it on friendly terms. If so, I shall have the consolation of reflecting, that while my own opinions lie between those extremes—while they have been advanced, as I trust, in language no one can deem offensive—they have been maintained with a steadiness which ought always to accompany settled convictions of right and duty.

Mr. President, I conclude by saying for New York, as I think I am authorized to say by her legislative resolutions, that while she will adhere steadfastly to all the compromises of the Constitution, and while she will resist all interference with slavery in the States as unauthorized and disorganizing, she will never consent to its extension to territory in which it does not now exist, and especially where it is now prohibited. On the contrary, she will, in every constitutional mode, oppose all such extension, as of evil tendency in Government, wrong in itself, and repugnant to the humanity and civilization of the age.

FREE SOIL VS. SLAVERY.

SPEECH OF MR. CORWIN, OF OHIO,

AGAINST THE

COMPROMISE BILL.

DELIVERED IN THE SENATE OF THE UNITED STATES, JULY 24, 1848.

MR. PRESIDENT: I should scarcely undertake to assign to the Senate a reason for prolonging this debate, especially after the very elaborate and lucid exposition of the bill now before us which has been given by the Senator from Vermont; I feel compelled, however, from various considerations, with which I will not trouble the Senate, to state, in very few words, if that be possible, what my objections are to the passage of the bill; and, it may be, to offer some few observations in reply to such propositions as have been announced at various times during this debate, by Senators on the other side of the Chamber. I have listened, with great eagerness, since the commencement of this discussion, to everything that has been said, with the most sincere and unfeigned desire to make myself acquainted with at least the primary elements and principles which enter into the composition of the bill. And, I think I may say, without exposing myself to the charge of egotism, that I feel as little the influences which have been spoken of by the Senator from Vermont as it is desirable that any gentleman, acting in the capacity of a legislator, should feel. I do not participate, however, I may advertise gentlemen, in the belief which has been so constantly expressed during this discussion, that this is a subject which is likely to produce that terrible and momentous excitement that is spoken of. I believe if this principle were discussed solemnly, and, so to speak, abstractedly from those extraneous circumstances too frequently adverted to here, that we should be much more likely to arrive at a satisfactory conclusion to ourselves, and at more satisfactory results, I hope, to those who are to come after us. I have no belief that the passage of a law, such as is now before the Senate, will produce a disruption of the bonds that hold this Union together. I have no belief that the passage of the law so much deprecated by some gentlemen on this side by the name, if you please, of the "Wilmot Proviso," could, by any possibility whatever, induce the Southern portion of the Union, which, we are told, is so much excited on the subject, to tear themselves asunder from the constitutional compact by which we are all held together. Sir, if I entertained an opinion of this kind, I should scarcely think a seat on this floor worth possessing for a single day. I do not think the technical term spoken of by the Senator from Vermont, the "Wilmot Proviso," can of itself exercise that influence upon statesmen of exalted intellect of the South, which has been intimated by gentlemen who have participated in this debate. What is this terrible Wilmot Proviso, that has been erected here and elsewhere into such a raw head and bloody-bones, to use a very expressive phrase of the nursery? What is it? Why, sir, there are about me Senators who know very well to whom the paternity of the "Wilmot Proviso," as it has been recently baptized, belonged. They know that the same gentleman who drafted the Declaration of Independence, which is hung up in our halls and placed in our libraries, and regarded with the same reverence as our Bible—for it has become a Gospel of Freedom all over the world as well as in this country—drafted that which is called the "Wilmot Proviso," composing as it did a section of the Ordinance of 1787, and that the hand that drafted both was Jefferson's. There have been some strange misnomers in regard to acts, some strange confusion of nomenclature in this country, as in this case, when a part of the Ordinance of 1787 has come to bear the appellation of the "Wilmot Proviso." Sir, much as I respect that gentleman for his position upon this subject, which has connected his very name with the Ordinance of 1787, I deny to him the honor of originating it. It is a piracy of the copy-right. I do not see that there is any danger that Southern gentlemen, after the lapse of so many years, and after the founding of a young empire in the West, by virtue of that Ordinance, will so desecrate the memory of Jefferson and spit on his grave, because we merely reenact that Ordinance over a Territory which has subsequently come into our possession. I have no idea that such consequences will follow from the passage of such a law, as gentlemen have predicted. There must have been a strange revolution wrought in the minds of Southern gentlemen between 1787 and 1847, if such consequences are to follow. And I could not help observing while the Senator from Vermont was expressing these noble sentiments, which everybody, even those who do not feel them, must admire, telling us we should act here independently of the excitement without these walls, and that we should scorn those newspaper paragraphs in which we are vilified, written by those who know little of the motives by which we are influenced, and who care less; I could not help observing that at last the Senator admonished us that there was an excitement abroad which we must allay; and to do that, he agreed to this bill, although it was somewhat different from that which he desired—so that

the lion-hearted Senator from Vermont has agreed to this Compromise, as it is called, because there is an excitement which he wishes to allay by it. Sir, I desire to see gentlemen act and vote here as if there were no excitement on the subject. I should be very sorry, at least, to allow any influences to operate upon my deliberate judgment, except those which belong to the relation of representative and constituent. It is the farthest from my intention of anything that can be conceived of to say anything in regard to this bill which may wound the feelings of gentlemen who have labored so hard to produce something that would satisfy us all. The Senator from Vermont has acted as he should have acted, has acted nobly in relation to this matter, and I know very well that he will be willing to accord to me the same rule of action, the same independence that he has used; and I fear, when I come to speak of the bill, I shall be under the necessity of availing myself of what the gentleman has called a "special demurrer;" for I do not think there is such pressing necessity for the passage of the bill, as to oblige us to forego the statement of such objections as we may entertain. Suppose you enact no law, what will happen? Oregon has for many years taken care of herself, and I believe on one or two occasions made better laws for herself than she is likely to get at our hands. She has taken care of herself ever since she became an integral portion of the Union, by the settlement of the dispute between us and Great Britain. How the new provinces may fare, what may happen to New Mexico and California in the intermediate time which will elapse, if we should not be able to act upon this matter at the present session, is not a matter of much concern or apprehension with me, because I know they have been in your custody for a year or two, and have not complained at all for the want of legal enactments; they have only complained that you have made too free use of gunpowder. Rather than not act in the matter fully and definitively, as I would if there were no emergency, I would allow those provinces to take care of themselves for another twelve months, and come here at the beginning of a new session, ready to act upon the subject as my judgment should dictate.

Now, sir, in the first place, I understand we have a message from the President, although I believe it has not been adverted to by any one, calling upon us to designate the boundaries of these Territories of New Mexico and California; and another branch of the Legislature has been anxiously looking to the geography of those countries, and tracing their history, and are as yet incapable of determining where Texas ends and New Mexico begins; and they have been under the necessity of applying to the Chief Magistrate to give them a lesson in geography. What the substance of the information they have received was I do not know, but I have been informed, upon the floor of the Senate, that Texas extends to the banks of the Rio Grande.

If this be so, I must be permitted to look to the gentlemen of the Committee for information as to how much is left for New Mexico, what extent of territory, and what amount of population? Is it worth while to establish a Territorial Government there, if it be true that Texas extends to the Rio Grande? I think it will be found that there will be but a fragment of New Mexico left, so far as population is concerned. It will be very convenient, perhaps, to attach it to the Government of California. If you send your Governors and other officers there without establishing the boundaries, there will be a conflict of territorial jurisdiction. Is it not expedient to settle it now, when you are founding new Governments there, and placing side by side institutions which may be very dissimilar? It is perfectly certain that Texas will extend her laws to the Rio Grande; and if she does, she will comprehend within her jurisdiction a large proportion of the population of what was formerly New Mexico. Here, then, is my special demurrer. Under other circumstances, I am sure the Senator from Vermont would agree with me that it is indispensable to the Governments which we are about to establish, that the limits of their jurisdiction should be defined, although I do not know that this would be an insuperable objection with me, if the other portions of the bill were such as I could give my assent to.

And now I intend, in few words, to state why I object to this Compromise bill. Sir, there is no one—there can be no one—who does not desire that every subject of legislation which comes before the Senate should be settled harmoniously, and, if it might be so, with the unanimous concurrence of every Senator. But, sir, in my judgment, with this subject as it stands before us, it would be arrogant presumption to undertake to vote upon this bill, with a question before us which we undertake to transfer to the Judiciary department of the country. How is this? Is it not a new thing in your legislation, when a system of policy is proposed, and the constitutional propriety of that policy is questioned, to pass an act for the purpose of getting a case before the Supreme Court, that that Court may instruct the Senate of the United States as to constitutional duty in the matter? Sir, if we know certainly what that law will be, need there be any hesitancy how we shall vote upon this bill? Can any one suppose that the Senator from Georgia, or the Senator from South Carolina, if they believed that the litigation that is proposed by this bill to be brought into the Judicial tribunals of the country would result contrary to their determination of what the law should be, that they would be in favor of such a bill as this? Does any one believe that if the Senator from Vermont could anticipate that the Supreme Court of the United States might decide that Congress, being silent upon the subject, had allowed Slavery to pass, at its pleasure, into these newly acquired Territories, and to become parts of the municipal institutions of those Territories, and to decide, also, that if Congress had enacted a prohibitory law, it could not have gone there, he would vote for this bill? Certainly he would not. Is there any necessity that there should be a prohibitory law passed, in order that the question of Slavery should be presented with the aid of Congressional legislation to the Supreme Court of the United States? I will not undertake to say that I differ with the Senator from Vermont in a single legal proposition that he has laid down. I regard Slavery as a local institution. I believe it rests on that basis, as the only one that can give it a moment's security. I believe it cannot be carried, by the power of the master over his servant,

one inch beyond the territorial limits of the power that makes the law. I believe that a slave carried by his master into the territory about which we are talking, if Slavery be abolished there, will be free from the moment he enters the territory, and any attempt to exercise power over him as a slave will be nugatory. That is my judgment. But I would guard against any doubt on this subject. I would so act that there should be nothing left undone on my part to prevent the admission of slaves, for I am free to declare, that if you were to acquire the country that lies under the line, the hottest country to be found on the globe, where the white man is supposed not to be able to work, I would not allow you to take slaves there, if Slavery did not exist there already. More than that: I would abolish it if I could, if it did exist. These are my opinions, and they always have been the same. I know they were the opinions of Washington up to the hour of his death; and they were the opinions of Jefferson and of others who, in the infancy of the institution, saw and deplored its evils, and deprecated its continuance, and would have taxed themselves to the utmost to exterminate it then. I possess no opinion on the subject that I have not derived from these sources.

I have only to say, that these opinions have always received the concurrence of my own understanding, and this, after the most careful investigation I have been able to give the subject. I find the institution of Slavery exising in several States of the Union—it is a local, a State institution, existing under the guaranties of the Constitution. I find that, as a legislator of this National Government, I am forbidden by the Constitution to act upon this or any other merely State institution. I cannot, therefore, interfere with Slavery in the States as I can in a *Territory*, where as yet no State sovereignty exists, and as I will there, and would everywhere else on the face of the earth, where I am not forbidden, and where my power might extend. And here, sir, I ask, what has been your practice as a Government on this subject? If at any time in your progress since 1789, you have acquired territory where Slavery existed in such form and consistency as to make it now difficult to overthrow it, it has been permitted, only permitted, to remain where by law it did exist; as in the Northwestern Territory before 1789, but had not taken deep root, it was expelled; and as in the Missouri compromise, excluding it in all territory north of latitude 36 degrees 30 minutes, after 1789.

When Louisiana was acquired, such was the tone of public opinion then against Slavery, that I am sure the men of that day would have abolished it there, but for the supposed evil of displacing a system long established, on which, and by which the social and political systems of the country were necessarily formed. Perhaps, also, the terms of the treaty were with some an obstacle. The same men who directed public opinion in 1787 in a great measure controlled it in 1804. Jefferson, who was the author of the Ordinance of 1787, was President in 1804, when Louisiana was acquired. By his influence, the Ordinance of 1787 made five free States in the Northwest, and I doubt not Louisiana would have been also freed from Slavery too, but for the reasons I have assigned. Such were the views of men who directed public opinion *then*, would to God they, or such as they, had more to do with public opinion *now*.

When the ample patrimony of Virginia was transferred to the Confederacy, Jefferson, and those of his school, who made this noble donation, at once declared that Slavery should not pollute the soil of five rich and powerful new States. Such was Virginia, such was American opinion then. I cannot suppose the opinions of these men were so changed between 1787 and 1804 that Slavery at the latter period would be spared by them, except for the reasons I have assigned already. Liberty, perfect freedom to *all* men, of *all* colors and nations, was the doctrine of Jefferson then, and I am told he is now the authoritative expounder of free principles to the school calling itself "Virginian" as well as "Democratic."

Why, there is scarcely a Virginian who ventures to have an opinion contrary to the lightest thought that he ever expressed. And is it so, that we are now to be required, for the sake of some imaginary balance of power, to carry Slavery into a country where it does not now exist? That, sir, is the question propounded by this bill. The Senator from Vermont is satisfied that Slavery cannot be extended to these Territories. I believe, if his confidence in the judicial tribunals of the country were well founded, that Slavery could not possibly go into these Territories, provided the Senate is right both as to law and the facts. I ask every member of the Senate—perhaps I may be less informed than any—whether Slavery does not exist by some Mexican law, at this hour, in California?

Mr. HANNEGAN [in his seat.] It does exist: Peon Slavery exists there.

Mr. CORWIN. I would thank the Senator from Indiana if he will inform me what Peon Slavery is; and really I ask the question for the purpose of obtaining information. I desire to know its conditions. Is it transmissible by inheritance? Does the marvellous doctrine of which the Hon. Senator from Virginia spoke as being part and parcel of the law adopted in Virginia—*partus sequitur ventrem*—prevail? Is that holy ordinance, that the offspring of the womb of her who is a slave must necessarily be slaves also, there recognised.

Mr. HANNEGAN. As I understand, Slavery exists in California and New Mexico, as it does throughout the Republic of Mexico, and is termed Peon Slavery—Slavery for debt, by which the creditor has a right to hold the debtor through all time in a far more absolute bondage than that by which any Southern planter holds his slaves here.

Mr. CORWIN. So it has been described to me. I have not seen the Mexican laws upon the subject, but the statement just made agrees with that of many gentlemen who profess to know something on the subject, and therefore I am inclined to think that it is so, and that these people are the subjects of that infernal law. The Senator from Delaware, the other day, informed us that the Committee have not given to the people of California and New Mexico the right of suffrage, because they were incapable of exercising it—because a large portion of them were of the colored races. Now, supposing that to be the case, and supposing the proposition to be submitted to the Supreme Court of the United States—was Sla-

very an institution of New Mexico?—what would be the answer? If the Senator from Indiana were there to make response, he would reply in the affirmative; he would say that the institution of Slavery was there—that to be sure it had its modifications and its peculiarities, but that it was still Slavery, though there might not have existed a law as strong as that glorious principle of free Government spoken of by the Senator from Virginia—*partus sequitur ventrem.* If, sir, these three Latin words can condemn to everlasting slavery the posterity of a woman who is a slave, may not that municipal regulation of which we are now speaking in California and New Mexico, with equal propriety, be denominated Slavery? I find, then, Slavery, as it is called, existing here to a degree, and to all practical purposes as lasting and inexorable as in the State of Virginia; and therefore the whole of the hypothesis of the gentleman from Vermont falls to the ground as a matter of fact, inasmuch as the Supreme Court will decide that Slavery existed there, and that therefore the whole slave population of the United States may be transferred to that country.

Mr. PHELPS. The gentleman will excuse me, I spoke of African Slavery.

Mr. CORWIN. Of that I am aware. I speak now of the general proposition. Now, this is a very curious spectacle presented this day and for weeks past in the American Congress, and one cannot help pausing at this point, and reflecting upon the events of the last few years. On looking back at what has happened to that period, I am sure that the magnanimous spirit of the Senator from South Carolina himself will be obliged to concede to the Northern States at least some apology for the slight degree of excitement on this subject. His hypothesis is, that to every portion of this newly acquired territory—California not excepted—every slaveholder in the United States has a right to migrate to-morrow, and carry with him his slaves—holding them there forever, subject only to the Abolition of Slavery when these Territories shall be made into States, and come into the Union. What, then, would be those few chapters in our history? We find ourselves now in the possession of Territories with a population of one hundred and fifty thousand souls, if I am correctly informed, in California and New Mexico. The best authenticated history of the social institutions of that population informs us that there exists there at this moment a species of slavery as absolute and inexorable as exists anywhere on the face of the earth; and that about five in six of the population of that country are subjected to the iron rule of this abominable institution there.

Now, I do not expect that any man will rise up and say, that because an individual happens to be the debtor of another, he shall have his own person sold into Slavery; and not only that, but that the curse shall extend—worse than that of the Hebrew, not to the third and fourth generation, but to the remotest posterity of that unfortunate man. Nobody will pretend to rise up in defence of such a proposition as that. Now, then, I will give over the criticism. Suppose there is a law in New Mexico, which obliges a man to work all the days of his life for another, because he happens to owe him five dollars, by some means contrived by the creditor to keep him always his debtor. Do you intend that that law shall exist there for an hour? Well, you have made a law here, that your law-makers who are to go to New Mexico and California, shall not touch the subject of Slavery; and if that which is designated in the popular language of that country Slavery, exists there, do you, indeed, send abroad, as you promised to do, your missionary of liberty? You went there with the sword, and made it red in the blood of these people! What did you tell them? "We come to give you freedom!" Instead of that, you enact in your code here—bloody as that of Draco—that there shall be judges and lawgivers over them, but that they shall make no law touching that Slavery to which five out of six of them are subjected.

Mr. President, this chapter in your history furnishes instructive matter for our consideration. It is a strange act in the great drama of what we call progress. I have looked upon it with some concern. I was one of those who predicted that this, or something like this, would be the result of your Mexican war. I always believed, notwithstanding your denials here, that you made war upon Mexico for the purpose and with the intention of conquest. I ventured to predict just what we now see, that acquisition of territory would follow the war as its consequence, and its object was that, and nothing else; and that this very question would arise, and arise here, to distract your councils, disunite your people, and threaten, as we are now told it does, that peace which you thought of so lightly when war was so wantonly waged against Mexico. It now seems your pretensions were all hypocritical from the beginning. You said your armed men went forth to her in the spirit of love. You pretended their mission was not conquest, but to set free the captive, to raise up the prostrate Peon of that country—and now what follows? As soon as your arms have subdued the country, the gentle note of the dove is changed to the lion's roar. Instead of the proper blessing of peace to your conquered subjects, you propose to leave the chains of the Peon untouched, and now gravely contend that negro slavery shall be superadded to slavery for debt. This is your improvement, this your progress in Mexico. To exalt the miserable Peon, you give him the enslaved negro for association and example. Sir, this is indeed a spectacle worth noting, in this bright noon of the nineteenth century.

We proclaimed to the world we would take nothing by conquest. This was our solemn hypocritical declaration for two dark years, while our progress was marked by blood, while the march of your power was like another people of old, by clouds of smoke in the day, and fire by night. City after city fell beneath the assaults of your gallant army, and still you ceased not to declare you would take nothing by conquest. *Now* you say this territory was conquered, was acquired by the *common blood* of our common country. You trace back the consideration which you have paid for this country to the blood and the bones of the gallant men that you sent there to be sacrificed; and pointing to the unburied corses of her sons who have fallen there, the South exclaims—"These, these constitute my title to carry my slaves to that land! It was purchased by the blood of my sons." The aged parent, bereft of

his children, and the widow with the family that remains, desire to go there to better their fortunes, if it may be, and pointing to the graves of husband and children, exclaim, "There, there was the price paid for our proportion of this territory!" Is that true? If that could be made out—if you dare put that upon your record—if you can assert that you hold the country by the strong hand, then you have a right to go there with your slaves. If we of the North have united with you of the South in an expedition of piracy, and robbery, and murder, that oldest law known among men—"Honesty among thieves"—requires us to divide it with you equally. [Laughter.]

If, indeed, Mr. President, we have no other right than that which force gives us to these our new possessions; if, indeed, we have slaughtered fifty thousand of God's creatures only to subject to our power one hundred and fifty thousand of an alien, enslaved, and barbarous people, it is but a fitting finale to all this to rivet yet closer the chain of personal slavery upon the Mexican peon, and people your possessions thus acquired by Slaves. I repeat, that this right of conquest applied to territory, is the same—no other and no better than that by which originally one man could claim to hold another in Slavery. It is but the right, if right it may be called, of the strongest—the law in both cases is simply the law of force. You march over a country, wrest it by war from its owner, and say to the vanquished possessor, this is now mine. I have seized your property; I hold it by the law of force. And so originally the slave dealer seized the negro in his African home, slaughtered in combat part of his family, bound the rest in chains, brought them here, and sold them. It is simply *power*, and not *right*, in both cases, that makes the claim. I repeat, it seems indeed fitting and in character, that the two should accompany each other.

As in the case of *lands* thus acquired, long possession and continued acquiescence (in the judgments of men) ripen the claim into legal right, so in the case of legal Slavery, the *captive*, originally held only by force, in time, by the law of men, and by the judgment of men, becomes *property!!* And we are told by the Senator from Virginia [Mr. Mason] that the posterity of such become property only through the magical influence of these words, Roman words: "*Partus sequitur ventrem*"—"The child follows the condition of its mother." Admirable—philosophical—rational—Christian maxim!!! If the mother be captured in war, it seems then the will of a just God, "whose tender mercies are over all his works," that her offspring to the remotest time shall be doomed to Slavery. What sublime morality! What lovely justice combine to sanctify this article in that new decalogue of freedom which we say, it is our destiny to give to the world "*Partus sequitur ventrem!*" Why, it is said to be "common law." Alas, Mr. President, it is but too "*common*," as we see. This right of conquest over land is the same as that by which a man may hold another in bondage. You may make it into a law if you please; you may enact that it may be so; it may be convenient to do so; after perpetrating the original sin, it may be well to do so. But the case is not altered; the source of the right remains unchanged. What is the meaning of the old Roman word *Servus*? I profess no skill in philological learning, but I can very well conceive how somebody, looking into this thing, might understand what was the law in those days. The man's life was saved when his enemy conquered him in battle. He became *servus*—the man preserved by his magnanimous foe; and perpetual Slavery was then thought to be a boon preferable to death. That was the way in which Slavery began. Has anybody found out on the face of the earth a man fool enough to give himself up to another, and beg him to make him his slave? I do not know of one such instance under Heaven. Yet it may be so. Still I think that not one man of our complexion of the Caucasian race could be found quite willing to do that!

Thus far we have been brought after having fought for this country and conquered it. The solemn appeal is made to us—"Have we not mingled our blood with yours in acquiring this country?" But did we mingle our blood with yours for the purpose of wresting this country by force from this people? That is the question. You did not say so six months ago. You dare not say so now! You may say that it was purchased, as Louisiana or as Florida was, with the common treasure of the country; and then we come to the discussion of another proposition: What right do you acquire to establish Slavery there? But I was about to ask of some gentleman—the Senator from South Carolina, for instance—whose eye at a glance has comprehended the history of the world, what he supposes will be the impression abroad of our Mexican war, and these, our Mexican acquisitions, if we should give to them the direction which he desires? I do not speak of the propriety of slave labor being carried anywhere. I will waive that question entirely. What is it of which the Senator from Vermont has told us this morning, and of which we have heard so much during the last three weeks? And how will *our* history read by the side of that? Every gale that floats across the Atlantic comes freighted with the death-groans of a King; every vessel that touches your shores, bears with her tidings that the captives of the Old World are at last becoming free—that they are seeking, through blood and slaughter—blindly and madly, it may be—but nevertheless resolutely—deliverance from the fetters that have held them in bondage. Who are they? Almost the whole of Europe. And it is only about a year ago, I believe, that the officer of the Turkish Empire who holds sway in Tunis, one of the old slave markets of the world, whose prisons formerly received those of our people taken upon the high seas and made slaves to their captors—announced to the world that all should there be free. And, if I am not mistaken, it will be found that this magic line which the Senator from South Carolina believes has been drawn around the globe which we inhabit, with the view of seperating Freedom and Slavery—36 deg. 30 min.—brings this very Tunis into that region in which some supposed, by ordinance of nature, men are to be held in bondage! All over the world the air is vocal with the shouts of men made free. What does it all mean? It means that they have been redeemed from *political* servitude; and in God's name I ask, if it be a boon to mankind to be free from political servitude, must it not be accepted as matter of some gratulation that they have been relieved from personal servitude—absolute subjection to the ar-

bitrary power of others? What do we say of them? I am not speaking of the propriety of this thing; it may be all wrong, and these poor fellows in Paris, who have stout hands and willing hearts, anxious to earn their bread, may be very unreasonable in fighting for it. It may be all wrong to cut off the head of a King, or send him across the Channel. It may be highly improper and foolish in Austria to send away Metternich, and say, "We will look into this business ourselves." According to the doctrine preached in these Halls—in free America—instead of sending shouts of gratulation across the water to these people, we should send to them groans and commiseration for their folly, calling on them to beware how they take this business into their own hands—informing them that universal liberty is a curse; that as one man is born with a right to govern an Empire, he and his posterity must continue to exercise that power, because in this case it is not exactly *partus sequitur ventrem*, but *partus sequitur patrem*—that is all the difference. The Crown follows the father! Under your law, the chain follows the mother!

Sir, we may, we ought to remember, that it *was* law in this country in 1776, that Kings had a right to rule us, did rule us. George III said then "*partus sequitur patrem*," my son inherits my crown, "he follows the condition of the father." "he is born to be your ruler;" your fathers said, this is not true, this shall be law no longer. Let us look for a moment at the doings of that good old time, 1776. *Then*, sir, our fathers, being oppressed, lifted up their hands and appealed to the God of Justice, the common Father of all men, to deliver them and their posterity from that law, which proclaimed that "Kings were born to rule." *They* (the men of 1776) did not believe that one man was born "booted and spurred" to ride another. And if, as they said, no man was born to *rule* another, did it not follow, that no man could rightfully be born to *serve* another. Sir, in those days, Virginia and Virginia's sons, Washington and Jefferson, had as little respect for that maxim, *partus sequitur ventrem*, as for that other cognate dogma, "Kings are born to rule." I infer from our history, sir, that the men of that day were sincere men, earnest, honest men, that they meant what they said. From their declaration "*all* men are *born* equally free." I infer that, in their judgments, no man, *by the law of his nature*, was born to be a slave; and, therefore, he ought not by any other law to be born a slave. I think this maxim of Kings being born to rule, and others being born only to serve, are both of the same family, and ought to have gone down to the same place whence I imagine they came, long ago, together. I do not think that your *partus sequitur ventrem* had much quarter shown it at Yorktown on a certain day you may remember. I think that when the lion of England crawled in the dust, beneath the talons of your eagles, and Cornwallis surrendered to George Washington, that maxim, that a man is born to rule, went down, not to be seen among us again forever; and I think that *partus sequitur ventrem*, in the estimation of all sensible men, should have disappeared along with it. So the men of that day thought. And we are thus brought to the proper interpretation of the language of those men which has been criticised by the Senator from South Carolina.

Mr. President, it is worth while to inquire what were the publicly expressed opinions of the leading men and States, as to the policy of Negro Slavery, from the year 1774 up to the year 1787, and from thence up to the final adoption of the Constitution, in 1789. And, first, how was it in the old Commonwealth—Virginia:

June, 1774.—"At a general meeting of the freeholders and inhabitants of Prince George's county, Virginia, the following resolves were unanimously agreed to, (among others:)

"*Resolved*, That the African trade is injurious to this Colony, *obstructs the population of it by freemen, or vests manufactures and other useful emigrants from Europe from settling amongst us, and occasions an annual increase of the balance of trade against this Colony.*"—(See. American Archives, 4th series, vol. 1, p. 493.)

"At a meeting of the freeholders and other inhabitants of the county of Culpeper, in Virginia, assembled on due notice, at the Court House of the said county, on Thursday, the 7th of July, 1774, to consider of the most effectual method to preserve the rights and liberties of America:

"*Resolved*, That the importing slaves and convict servants is injurious to this Colony, as it obstructs the population of it with freemen and useful manufacturers; and that we will not buy any such slave or convict servant hereafter to be imported."—(American Archives, 4th series, vol. 1, p. 532.)

"At a general meeting of the freeholders and inhabitants of the county of Nansemond, Virginia, on the 11th day of July, 1774, the following resolutions were unanimously agreed to:

"*Resolved*, That the African trade is injurious," &c., (same as the resolution of Prince George's county.)—(American Archives, vol. 1, p. 530.)

July 14, 1774, at a similar meeting in Caroline county, Virginia—

"*Resolved*, That the African trade is injurious to this Colony, &c.; and, therefore, that the purchase of all imported slaves ought to be associated against."—(Do., p. 541.)

July 16, 1774, at a meeting of Surry county, Virginia—

"5th. *Resolved*, That, as the population of this Colony with *freemen and useful manufacturers is greatly obstructed by the importation of slaves and convict servants*, we will not purchase any such slaves or servants hereafter to be imported."—(American Archives, 4th series, vol. 1 p. 693.)

"At a general meeting of the freeholders and other inhabitants of the county of Fairfax, Virginia, at the Court House in the town of Alexandria, on Monday, the 18th day of July, 1774, George Washington, Esq., in the chair—

"*Resolved*, That it is one opinion of this meeting, that, during our present difficulties and distress, no slaves ought to be imported into any of the British Colonies on this continent; and we take this opportunity of declaring our most earnest wishes to see an entire stop forever put to such a wicked, cruel, and unnatural trade.

"*Resolved*, That it is the opinion of this meeting, that a solemn covenant and association should be entered into by all the Colonies," &c., &c.—(American Archives, vol. 1, p. 690.)

George Washington, Mr. President, was the presiding officer at one of these meetings. Certain young men here may have *heard* something of this George Washington! He was then a farmer of Fairfax. What he did after that meeting, shall be known, remembered, and revered, by a world, thousands of years to come, long after you and I, and all of us, have been food for worms.

Similar meetings were held, and similar resolutions passed, in the following counties in Virginia: In Hanover, on the 20th July, 1774; in Princess Ann, in July of the same year. I extract from the same volume of American Archives the following, which, from Mr. Jefferson's connection with it, becomes important:

At a very full meeting of delegates from the different counties in the Colony and Dominion of Virginia, begun "in Williamsburg, the 1st day of August, 1774, the following association was unanimously agreed to." I omit, Mr. President, all not bearing upon the subject of Slavery, and quote only the following:

"We will not ourselves import, *nor purchase* any slave or slaves imported by any other person, after the first day of November next, either from

Africa, the West Indies, *or any other place*." It seems Mr. Jefferson was a delegate to this Convention, but was prevented by sickness from attending. He however addressed a letter to the Convention, which I commend to the especial attention of gentlemen from the South, who object so strongly to the expression of opinions as to Slavery here. Mr. Jefferson, in one paragraph in his letter to the Convention, writes thus, on the subject of negro slavery: "The *abolition* of Slavery *is the present object of desire* in these Colonies, where it was unhappily introduced in their infant state." Mark these words, Mr. President. He complains that Slavery was introduced into our American Colonies in their "*infant state*." Would Mr. Jefferson, were he here to-day, send Slavery to the infant colonies of Oregon, New Mexico, and California? But Mr. Jefferson goes on to say, "But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; but our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to prohibition, have hitherto been defeated by his Majesty's negative, thus preferring the immediate advantage of a few African corsairs *to the lasting interest of the American States, and to the rights of human nature, deeply wounded by this infamous practice*?"

Here we see proofs undeniable that Mr. Jefferson, the leading spirit then, confidently anticipated, not the continuance and further extension of Slavery, but its abolition; and, in order to the speedy "enfranchisement" of the slaves then in Virginia, he desires to prevent their augmentation, by prohibiting their importation. He complains that Slavery was prejudicial to the "*infant*" *Colony* of Virginia. Were he here, would he not vote to exclude Slavery from the "*infant*" colonies of Oregon, New Mexico, and California? We have seen that he drafted the clause against Slavery in the Ordinance of 1787. We know he remained unchanged till his death.

How stood public opinion, Mr. President, in the year 1775, in the State of Georgia? From the proceedings of a patriotic association in Georgia at that time, called the "Darien Committee," I take the following:

"We, therefore, the Representatives of the extensive district of *Darien*, in the colony of *Georgia*, having now assembled in Congress, by authority and free choice of the inhabitants of the said district, now freed from their fetters, do resolve—

"5. To show the world that we are not influenced by any contracted or interested motives, but a general philanthropy *for all mankind, of whatever climate, language, or complexion*, we hereby declare our disapprobation and abhorrence of the unnatural practice of slavery in America, (however the uncultivated state of our country, or other specious arguments may plead for it,) a practice founded in injustice and cruelty, and highly dangerous to our liberties, (as well as lives,) debasing part of our fellow-creatures below men, and corrupting the virtue and morals of the rest; and as laying the basis of that liberty we contend for (and which we pray the Almighty to continue to the latest posterity) upon a very wrong foundation. We, therefore, resolve at all times to use our utmost endeavors for the manumission of our slaves in this Colony, upon the most safe and equitable footing for the masters and themselves."—(American Archives, vol. 1, p. 1136.)

From these papers, as well as the general history of the times, we can see what the fathers thought on this subject. May I not, with profound respect, suggest that these papers, dated in 1774 and 1775, explain to us the meaning of the Declaration of Independence, adopted in 1776. Surely, the men who voted the foregoing resolutions in 1775, might, very consistently, in 1776, declare as they did—"We hold these truths to be self-evident, that *all* men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, *liberty*, and the pursuit of happiness." Well might these men, with their hearts purified from selfishness by the dreadful conflict which then was seen to be inevitable, *feel* that *all* men were equal before God, in whom alone they could trust for aid in that dark hour, and that therefore *all* men were or ought to be masters of themselves, and answerable *only* to the Creator for the use they should make of that liberty — well might those brave good old men, after such a declaration, look up calmly and hopefully to the Heavens and declare: "And for the support of this declaration, with *a firm reliance on the protection of Divine Providence*, we mutually pledge to each other *our lives*, our fortunes, and our sacred honor."

Mr. President, these men, when they spoke of Slavery and its extension, did not get up some hybrid sort of "compromise," and consult some supreme court. They declared Slavery an evil, a wrong, a prejudice to free colonies, a social mischief, and a political evil; and if these were denied, they replied, "These truths are self-evident." And from the judgments of men they appealed to no earthly court; they took an appeal "to the Supreme Judge of the World." When I am asked to extend to this new Empire of ours, now in its infancy, an institution which they pronounced an evil to all communities; when I refuse to agree with some here whose judgments I revere, and whose motives I know to be pure, I can only say, I stand where our fathers stood of old, I am sustained in my position by the men who founded the first system of rational liberty on Earth. With them by my side, I can afford to differ with those here whom I respect. With such authority for my conduct, I can cheerfully encounter the frowns of some, the scorn of all; I can turn to the fathers of such, and be comforted. They knew what was best for an infant people just struggling into existence. If their opinions are worth anything—if the opinions of the venerated men are to be considered as authority—I ask Southern gentlemen what they mean when they ask me to extend Slavery to the distant shores of the Pacific Ocean, and the slave trade between Maryland and Virginia and that almost unknown country.

I am considering the propriety of doing this thing as if the question were now for the first time presented to us. I ask any Southern man, if there were not a slave on this continent, would you send your ships to Africa, and bring them here? Suppose this Confederation of ours had been formed before a slave existed in it, and suppose here, in the year of grace 1848, you had acquired California and New Mexico, and you were told that there existed a modified system of slavery there, and that they wanted laborers there, would a Senator rise in his place and say, we will authorize the African slave trade, in order to introduce laborers into our infant colonies? If you would not bring them from the shores of Africa—buying them with some imagined "*partus sequitur ventrem*" branded on them somewhere, how can you prove to me that it would be right to transfer them from Maryland or Virginia, 3,000 miles,

to the shores of the Pacific? If slavery were a curse to you in the beginning, but struck its roots so deep into your social and municipal system, as was then said, that it could not be eradicated entirely, how is it that you call upon me, as a matter of conscience and duty, to transfer this curse to an area of square miles greatly exceeding that of the thirteen States, when the Confederation was formed? If it is so that it is an evil—and so all you statesmen have pronounced it, and so all your eminent men, with the exception of a few in modern times, have regarded it—how is it that you call upon me to extend it to those vast dominions which you have recently acquired? Is it true that I am obliged to receive into my family a man with the small-pox or the leprosy, that they may be infected? I know you do not consider it in that light now. But the gentleman from Virginia has said that it must be done. Why? Because it is compassion to the slave. He cannot be nurtured in Virginia; your lands are worn out. Sir, that statement sounded ominous in my ears. It gave rise to some reflection. Why are your lands worn out? Are the lands of Pennsylvania worn out? Are those of Connecticut worn out? Is not Massachusetts more productive to-day than when the foot of the white man was first impressed upon her soil? Your lands are worn out, because the slave has turned pale the land wherever he has set down his black foot! It is slave-labor that has done all this. And must we then extend to these territories that which produces sterility wherever it is found, till barren desolation shall cover the whole land? If you can call upon me, as a matter of compassion, to send the slave to California and Oregon, you can call upon me by the same sacred obligation to receive him into Ohio as a slave; and I would be just as much bound, as a citizen of Ohio, to say that the Constitution should be so construed as to admit slaves there, because they have made the land in Virginia barren, and they and their masters were perishing, till Ohio had also become a wilderness. That reason will not do. Sensitive as Ohio may appear to the morbid benevolence spoken of—with which I have no sympathy at all—we can see through that—the citizens of Ohio cannot accept these men upon such terms.

What is there in the way, then, of my giving an intelligent vote on this subject? Nothing at all. I would take this bill in a moment, if I had faith in the processes through which that law is to pass until it becomes a law in the Chamber below. But I have not that faith, and I will tell the gentleman why. It is a sad commentary upon the perfection of human reason, that with but very few exceptions, gentlemen coming from a slave State—and I think I have one behind me, who ought always to be before me—[Mr. Badger] with a very few exceptions, all eminent lawyers on this floor from that section of the country, have argued that you have no right to prohibit the introduction of Slavery into Oregon, California, and New Mexico; while, on the other hand, there is not a man, with few exceptions, (and some highly respectable,) in the free States, learned or unlearned, clerical or lay, who has any pretensions to legal knowledge, but believes in his conscience that you have a right to prohibit Slavery. Is not that a curious commentary upon that wonderful thing called human reason?

Mr. UNDERWOOD. It is regulated by a line!

Mr. CORWIN. Yes, by 36 deg. 30 min., and what is black on one side of the line is white on the other, turning to jet black again when restored to its original locality. How is that? Can I have confidence in the Supreme Court of the United States, when my confidence fails in Senators around me here? Do I expect that the members of that body will be more careful than the Senators from Georgia and South Carolina to form their opinions without any regard to selfish considerations? Can I suppose that either of these gentlemen, or the gentleman from Georgia on the other side of the Chamber, [Mr Johnson,] or the learned Senator from Mississippi, [Mr. Davis,] who thought it exceedingly wrong that we should attempt to restrain the Almighty in the execution of His purposes, as revealed to us by Noah—can I suppose that these Senators, with all the terrible responsibilities which press upon us when engaged in legislating for a whole empire, came to their conclusions without the most anxious deliberation? And yet, on one side of the line, in the slave States, the Constitution reads yea, while on the other, after the exercise of an equal degree of intelligence, calmness, and deliberation, in the free States the Constitution is made to read nay.

I admire the Supreme Court of the United States as a tribunal. I admire the wisdom which contrived it. I rejoice in the good consequences to this Republic from the exercise of its functions. I also revere the Senate of the United States. Here is the most august body in the world, they say, composed of men who have wasted the midnight oil from year to year—men who in cloisters, in courts, in legislative halls, have been reaping the fruits of ripe experience, and suddenly their mighty intellects, able to scan everything, however minute, and comprehend everything, however grand, utterly fail them, and they kneel down in dumb insignificance, and implore the Supreme Court to read the Constitution for them. I think the Senator from South Carolina must have had some new light upon the subject within the last few years, and that several of my Democratic friends on all sides of the Chamber must have been smitten with new love for the power and wisdom of the Supreme Court. Do you remember the case adverted to by the Senator from New Jersey to-day? I recollect very well when we did not stop to inquire how the Supreme Court had decided or ordained. It had decided, with John Marshall at its head—a man whose lightest conjectures upon the subject of constitutional law have always had with me as much weight as the well-considered opinion of almost any other man—that Congress had power to establish just such a bank as you had; but with what infinite scorn did Democratic gentlemen—Jackson Democrats as they chose to be called—curl their lips when referred to that decision of the Supreme Courts. Then the cry was, "We are judges for ourselves; we make no law unless we have the power to enact it." Now, however, the doctrine is, that here is one only tribunal competent to put the matter at rest forever. We are to thank God, that though all should fail, there is an infallible depository of truth, and it lives once a year for three months, in a little chamber below us! We can go there. Now, I understand my duty here to be to ascertain what

constitutional power we have; and when I have ascertained that, I act without reference to what the Supreme Court may do—for they have yet furnished no guide on the subject—we are to take it for granted that they will concur with us. I agree with gentlemen who have been so lofty in their encomiums upon that Court, that their decision, whether right or wrong, controls our action. But we have not hitherto endeavored to ascertain what the Supreme Court would do. I wish next to ascertain in what mode this wonderful response is to be obtained—not from the Delphic Oracle, but from that infallible divinity, the Supreme Court. How is it to be done? A gentleman starts from Baltimore, in Maryland, with a dozen black men, who have been slaves; he takes them to California, 3,000 miles off. Now, I don't know how it may be in other parts of the world, but I know that in the State of Ohio we do not travel 3,000 miles to get justice. What, then, is the admirable contrivance in this bill by which we can get at the meaning of the Constitution? It seems the meaning of the Constitution is to be forever hidden from us until light shall be given by the Supreme Court. Sir, this bill seems to me a rich and rare legislative curiosity. It does not enact "a law," which I had supposed the usual function of legislation. No, sir; it only enacts "a lawsuit." So we virtually enact that, when the Supreme Court say we *can* make law, *then* we *have* made it!

But, sir, to have a fair trial of this question, so as to make it effectual to keep slaves out of our Territories, all must admit this trial should be had before slaves have become numerous there. If Slavery goes there and remains there for one year, according to all experience, it is eternal. Let it but plant its roots there, and the next thing you will hear will be earnest appeals about the rights of property. It will be said: "The Senate did not say *we had no right to come here.* The House of Representatives, a body of gentlemen elected from all parts of the country, on account of their sagacity and legal attainments, did not prohibit us from coming here. I thought I had a right to come here: the Senator from South Carolina said I had a right to come; the Hon. Senator from Georgia said I had a right to come here; his colleague said it was a right secured to me somewhere high up in the clouds, and not belonging to the world; the Senator from Mississippi said it was the ordinance of Heaven, sanctified by decrees and revealed through prophesy—am I not, then, to enjoy the privileges thus so fully secured to me? I have property here; several of my women have borne children, who have *partus sequitur ventrem* born with them: they are my property." Thus the appeal will be made to their fellow-citizens around them; and it will be asked whether you are prepared to strike down the property which the settler in those Territories has thus acquired? That will be the case, unless the negro from Baltimore, when he gets there and sees Peons there—slaves not by hereditary taint, but by a much better title—a verdict before a justice of the peace—should determine to avail himself of the admirable facilities afforded him by this bill for gaining his freedom. Suppose my friend from New Hampshire, when he goes home, gets up a meeting and collects a fund for the purpose of sending a missionary after these men: and when the missionary arrives there, he proposes to hold a prayer meeting; he gets up a meeting, as they used to do in Yankee times, "for the improvement of gifts." He goes to the negro quarter of this gentleman from Baltimore, and says: "Come, I want this brother; it is true he is a son of Ham, but I want to instruct him that he is free." I am very much inclined to think that the missionary would fare very much as one did in South Carolina, at the hands of him from Baltimore. This bill supposes the negro is to start all at once into a free Anglo-Saxon in California—the blood of Liberty flowing in every vein, and its divine impulses throbbing in his heart. He is to say: "I am free; I am a Californian; I bring the right of *habeas corpus* with me." At last he is brought up on a writ of *habeas corpus*—before whom? Very likely one of those gentlemen who have been proclaiming that Slavery has a right to go there; for such are the men that Mr. Polk is likely to appoint. He has prejudged the case. On the faith of his opinion the slave has been brought there—what can he do? There is his recorded judgment printed in your Congressional Report—what will he say? "You are a slave. Mr. Calhoun was right. Judge Berrien, of Georgia, a profound lawyer, whom I knew well, was right. I know these gentlemen well; their opinion is entitled to the highest authority; and, in the face of it, it does not become me to say that you are free—so, boy, go to your master; you belong to the class *partus sequitur ventrem;* you are not quite enough of a Saxon!" What, then, is to be done by this bill? Oh! a writ of error or appeal can come to the Supreme Court of the United States. How? The negro, if he is to be treated like a white man, taking out an appeal, must give bonds in double the value of the subject matter in dispute. And what is that? If you consider it the mercantile value of the negro, it may be perhaps $1,000 or $2,000. But he cannot have the appeal according to this bill, unless the value of the thing in controversy amounts to the value of $2,000. But, then, there comes in this ideality of personal liberty. What is it worth? Nothing at all—says the Senator from South Carolina—to this fellow, who is better without it. And under this complexity of legal quibbling and litigation, it is expected that the negro will stand there and contend with his master, and, coming on to Washington, will prosecute his appeal two years before the Supreme Court, enjoying the opportunity of visiting his old friends about Baltimore! [Laughter.]

And now, Mr. President, if we have found upon the opinions of wise ones of old, upon the observations of past and present time, that involuntary Slavery is not useful, profitable, or beneficial to either master or slave, that such institutions only become tolerable, because, when long established, the evil is less than those consequences which would follow their sudden change, I think it will be admitted that we should prohibit involuntary servitude in the Territories over which we have control.

Here, then, the question arises, have we this prohibitory power? I have already said, that where the Supreme Court of the United States has solemnly adjudged any power to belong to any branch of this Government, such adjudication should, until overruled, have great if not controlling weight with Congress. What, then, are the

adjudications of that Court upon this point? I quote from the case so often referred to, American Insurance Company *vs.* Carter, (1st Peters's Reports, page 511.) On page 542 of that case, the Court say: "The Constitution confers absolutely on the Government of the Union the powers of making war, and of making treaties. Consequently, that Government possesses the power of acquiring territory, *either by conquest or treaty*." Again, on the same page, the right to make law for a Territory is thus spoken of: "Perhaps the power of governing a Territory of the United States, which has not by becoming a State acquired the means of self-government, may result necessarily from the fact that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory; but whichever may be the source whence the power is derived, *the possession of it is unquestioned*."

Nothing can be clearer or more satisfactory on this point. While this doctrine conforms to the plain dictates of reason, it is satisfactory to know that the principle has been strengthened by the uniform practice under the Constitution. The latter class of cases is too numerous to permit even a reference to them all. They have been frequently adverted to in this debate, and therefore I need not again bring them to the attention of the Senate. I therefore find the power of Congress to make law for a Territory absolute and unlimited. I have only to consider whether a law prohibiting Slavery, in a Territory where Slavery does not already exist, is sound policy for such Territory.

Now, if we can make any law whatever, not contrary to the express prohibitions of the Constitution, we can enact that a man with $60,000 worth of bank notes of Maryland shall forfeit the whole amount if he attempts to pass one of them in the Territory of California. We may say if a man carry a menagerie of wild beasts there worth $500,000, and undertakes to exhibit them there, he shall forfeit them. The man comes back with his menagerie, and says that the law forbade him to exhibit his animals there; it was thought that, as an economical arrangement, such things should not be tolerated there. That you may do: he of the lions and tigers goes back, having lost his whole concern. But now you take a slave to California, and instantly your power fails; all the power of the sovereignty of this country is impotent to stop him. That is a strange sort of argument to me. It has always been considered that when a State forms its Constitution it can exclude Slavery. Why so? Because it chances to consider it an evil. If it be a proper subject of legislation in a State, and we have absolute legislative power, transferred to us by virtue of this bloody power of conquest, as some say, or by purchase as others maintain, I ask—why may we not act? Again—considering this as an abstract question—are there not duties devolving upon us, for the performance of which we may not be responsible to any earthly tribunal, but for which God who has created us all will hold us accountable? What is your duty, above all others, to a conquered people? You say it is your duty to give them a Government—may you not, then, do everything for them which you are not forbidden to do by some fundamental axiomatic truth at the foundation of your Constitution? Show me, then, how your action is precluded, and I submit. Though I believe it ought to be otherwise, yet, if the Constitution of my country forbids me, I yield. The Constitutions of many States declare Slavery to be an evil. Southern gentlemen have said that they would have done away with it if possible, and they have apologized to the world and to themselves for the existence of it in their States. These honest old men of another day never could have failed to strike off the chains from every negro in the Colonies, if it had been possible for them to do so without upturning the foundations of society.

I do not revive these things to wound the feelings of gentlemen. I know some of them consider this institution as valuable; but many of them, I also know, regard it as an evil. But Slavery is not in Oregon, it is not in California; and when I find that you have trampled down the people in order to extend your dominion over them, I feel it to be my duty, when you appeal to me to make laws for them, and the Supreme Court has said that I have the power to do so, to avert from them this evil of Slavery, and establish free institutions, under which no man can say that another is his property. I do not doubt this power. I know that it has been considered of old, from 1787 till the present hour, to be vested in Congress. The judicial tribunals in the West have considered it so, and the Supreme Court of the United States have said in that decision, so often referred to, that it was so. Have they found any restrictions upon us? No. And what would you do if you were in Oregon to-day, and it were a State? What would you do, and you, and you? Would any man here, if he were acting in a legislative capacity, say, "I feel myself bound to admit this evil into this country, for the benefit of some of the States who are overburdened with slaves." If this were true, it would be the duty of the free States, in that fraternal spirit which ought to prevail between the various States of the Union, to admit slaves whenever the slave States became overburdened with them. Do we so act in legislating for our States? No; we say, "Enjoy your slaves, or free them, as you will, but it is our wish that there shall be no Slavery here." You may implore a State, if you will, to take slaves into its bosom for your convenience, but they do not feel themselves bound by any Government obligation to do it. Am I not, then, bound to lay the foundations of that State for whose future progress I am to be responsible, in the way which I think the most likely to produce beneficial results to the people there? And when I find myself possessed of this power, and clothed with commensurate responsibility, no threats of dissolution of the Union, no heartburnings here or there, and, least of all—that which we have heard much of out of doors—the coming Presidential election, shall deter me from pursuing this course. I am for making a law, in the language of the Ordinance of 1787; I would have it enacted that Slavery shall never exist in that country. Then, when my black man comes to the Supreme Court of the United States, as provided in this bill, he comes with a positive law in his favor, that court must overrule the decision of the case in Peters, or else such appeal must be sustained. Then we will

have acted upon the subject—we will have forbidden Slavery. I observed that some gentlemen who handled this subject, were very careful to repeat, with emphasis, that Slavery may go where it is not prohibited. That is the reason I prefer the Ordinance of 1787 to the so-called Compromise Bill. I have no doubt that every Senator who assented to that bill convinced himself that it was the best we could pass. I have no doubt that our friends from the North thought it would be effective in preventing Slavery in these Territories. But I see that the Senator from South Carolina does not think so. He supports the bill for the very reason that it will admit Slavery; the Senator from Vermont, for the reason that Slavery is forbidden by it. Now, in this confusion of ideas, I desire that Congress, if it have any opinion, express it.

If we have any power to legislate over these Territories, how long would it take to write down the sixth article of the Ordinance of 1787? Those of us who think that ought to be a fundamental law in the organization of Territories will vote for it; and those of us who believe otherwise, will vote against it, and whichever party triumphs, will give law to Oregon and California, bearing the responsibility. But I must say, that I do not like what appears to me—I say it in no offensive sense—a shuffling off the responsibility which is upon us now, and which we cannot avoid. The Supreme Court may overrule our decision; but if we think we have power to ordain that Slavery shall not exist in that Territory, let us say so; if not, let us so decide. Let us not evade the question altogether.

That honorable Senators who reported this bill had its passage very much at heart, I have no doubt; nor do I feel disposed to deny that every man of them believed that it was just such a measure as was calculated to give tranquillity to the agitated minds of the People of this country. Well, I do not care for that agitation farther than that I will look to it as a motive to inquire carefully what my powers and my duties are. I have heard much of this—I have been myself a prophet of dissolution of this Union; but I have seen the Union of these States survive so many shocks, that I am not afraid of dissolution. Perhaps, indeed, when this cry of wolf has been long disregarded, he may come at last when not expected; but I do not believe that the people of the South are willing to sever themselves from this Republic because we will not establish Slavery here or there. If we have no power to pass the Ordinance of 1787, let the people of the South go to the Supreme Court, and have the question decided. It will only be a few months till the court resumes its session here, and the question can then be tried. If the decision be against us, the gentlemen of the South can at once commence their emigration to these Territories. Let us then make the law as we think it ought to be made now.

I am the more confirmed in the course which I am determined to pursue, by some historical facts elicited in this very discussion. I remember what was said by the Senator from Virginia the other day. It is a truth, that when the Constitution of the United States was made, South Carolina and Georgia refused to come into the Union unless the slave trade should be continued for twenty years; and the North agreed that they would vote to continue the slave trade for twenty years; yes, voted that this new Republic should engage in piracy and murder at the will of two States! So the history reads; and the condition of the agreement was, that those two States should agree to some arrangement about navigation laws! I do not blame South Carolina and Georgia for this transaction any more than I do those Northern States who shared in it. But suppose the question were now presented here by any one, whether we should adopt the foreign slave trade and continue it for twenty years, would not the whole land turn pale with horror, that, in the middle of the nineteenth century, a citizen of a free community, a Senator of the United States, should dare to propose the adoption of a system that has been denominated piracy and murder, and is by law punished by death all over Christendom? What did they do then? They had the power to prohibit it; but, at the command of these two States, they allowed that to be introduced into the Constitution, to which much of Slavery now existing in our land is clearly to be traced. For who can doubt that, but for that woful bargain, Slavery would by this time have disappeared from all the States then in the Union, with one or two exceptions? The number of slaves in the United States at this period was about six hundred thousand; it is now three millions. And just as you extend the area of Slavery, so you multiply the difficulties which lie in the way of its extermination. It had been infinitely better that day that South Carolina and Georgia had remained out of the Union for a while, rather than that the Constitution should have been made to sanction the slave trade for twenty years. The dissolution of the old Confederation would have been nothing in comparison with that recognition of piracy and murder. I can conceive of nothing in the dark record of man's enormities, from the death of Abel down to this hour, so horrible as that of stealing people from their own home, and making them and their posterity slaves forever. It is a crime which we know has been visited with such signal punishment in the history of nations as to warrant the belief that Heaven itself had interfered to avenge the wrongs of earth.

In thus characterizing this accursed traffic, I speak but the common sentiment of all mankind. I could not, if I taxed my feeble intellect to the utmost, denounce it in language as strong as that uttered by Thomas Jefferson himself. Nay, more—the spirit of that great man descending to his grandson, in your Virginia Convention, denounced the Slave Trade, as now carried on between the States, as being no less infamous than that foreign Slave Trade carried on in ships that went down into the sea. I speak of Thomas Jefferson Randolph. If you would not go to Africa, and thence people California with slaves, may you not perpetuate equal enormities here? You take the child from its mother's bosom—you separate husband and wife—and you transport them three thousand miles off to the shores of the Pacific Ocean.

I know that this is a peculiar institution; and I doubt not that in the hands of such gentlemen as talk about it here, it may be made very attractive. It may be a very agreeable sight to behold a large company of dependents, kindly treated by a benevolent master, and to trace the manifesta-

tions of gratitude which they exhibit. But in my eyes a much more grateful spectacle would be that of a patriarch in the same neighborhood, with his dependents all around him, invested with all the attributes of freedom bestowed upon them by the Common Father, in whose sight all are alike precious! It is, indeed, a very "peculiar" institution. According to the account of the Senator from Mississippi, [Mr. Davis,] this institution exhibits all that is most amiable and beautiful in our nature. That Senator drew a picture of an old, grey-headed negro woman, exhausting the kindness of her heart upon the white child she had nursed. This is true; and it shows the good master and the grateful servant. But, sir, all are not such as these. The Senator concealed the other side of the picture; and it was only revealed to us by the quick apprehension of the Senator from Florida, [Mr. Westcott,] who wanted the power to send a patrol all over the country to prevent the slaves from rising to upturn the order of society! I had almost believed, after hearing the beautiful, romantic, sentimental narration of the Senator from Mississippi, that God had, indeed, as he said, made this people in Africa to come over here and wait upon us, till the Senator from Florida waked me up to a recollection of the old doctrines of Washington and Jefferson, by assuring us that wherever that patriarchal institution existed, a rigid police should be maintained in order to prevent the uprising of the slave. Sir, it is indeed a peculiar institution. I know many good men, who, as masters, honor human nature, by the kindness, equity, and moderation of their rule and government of their slaves; but put a bad man, as sometimes happens, as often happens, in possession of uncontrolled dominion over another, black or white, and *then* wrongs follow that make angels weep. It is, sir, a troublesome institution; it requires too much law, too much force, to keep up social and domestic security; therefore, I do not wish to extend it to these new and as yet feeble Territories.

Is it pretended that slave labor could be profitable in Oregon or California? Do we expect to grow cotton and sugar there? I do not know that it may not be done there; for, as the gentleman from New York has told us, just as you go west upon this continent, the line of latitude changes in temperature, so that you may have a very different isothermal line as you approach the Pacific ocean. But I do not care so much about that. My objection is a radical one to the institution everywhere. I do believe, if there is any place upon the globe which we inhabit where a white man cannot work, he has no business there. If that place is fit only for black men to work, let black men alone work there. I do not know any better law for man's good than that old one, which was announced to man after the first transgression, that by the sweat of his brow he should earn his bread. I don't know what business men have in the world, unless it is to work. If any man has no work of head or hand to do in this world, let him get out of it soon. The hog is the only gentleman who has nothing to do but eat and sleep. *Him* we dispose of as soon as he is fat. Difficult as the settlement of this question seems to some, it is in my judgment only so because we will not look at it and treat it as an original proposition, to be decided by the influence its determination may have on the Territories themselves. We are ever running away from this, and inquiring how it will affect the "slave States" or the "free States." The only question mainly to be considered is, How will this policy affect the Territories for which *this* law is intended? Is Slavery a good thing, or is it a bad thing, for *them*? With my views of the subject, I must consider it bad policy to plant Slavery in any soil where I do not find it already growing. I look upon it as an exotic, that blights with its shade the soil in which you plant it; therefore, as I am satisfied of our constitutional power to prohibit it, so I am equally certain it is our duty to do so.

In the States where law and long usage have made the slave property, as property I treat it. It is there, and while there it should and will receive that protection which the Constitution and the good neighborhood of the States afford and require at our hands. But I should be false to my best convictions of duty, policy, and right, if by my vote I should extend it one acre beyond its present limits. I may be mistaken in all this; but of one thing I am satisfied—of the honest conviction of my own judgment; and no imaginary interruption of the ties which bind the various sections of the Confederacy shall induce me to shrink from these convictions, whenever I am called upon to carry them out into law.

But we are told that, when the Constitution was made, there existed certain relative proportions between the power of the slave and the power of the free States. I understood the Senator from South Carolina, that we were under obligations to preserve forever these relative proportions in the same way.

Mr. CALHOUN. I said nothing of the kind.

Mr. CORWIN. I am very happy to be undeceived. I understood the Senator to conceive that this is a question of power. It is not so. It is a question of municipal law, of civil polity. The men who framed the Constitution never dreamed that there was to be a conflict of power between the slave and the free States. They never dreamed that the South was to contend that they would always be equal in representation in the Senate to the North. They had no idea of that equilibrium of power of which we have heard so much. The circumstances of that period forbade any such supposition. Looking at all these circumstances, (and I have no doubt those far-seeing men regarded them carefully,) you would have had fourteen free States and nine slave States. But every man who had much to do with the formation of the Constitution expected and desired that Slavery should be prohibited in the new States; and they even expected to have it abolished in many of the States where it existed. They had no idea of conflict; and if the ultra fanatics in the South, as well as those in the North, would let the subject alone, we should have much less difficulty in a proper settlement of the question.

While the extreme fanaticism of the North, it is said, would burst the barriers of the Constitution, and rush into the slave States to enforce their abolition views, trampling on your laws and madly overturning existing institutions there, the South vents its fiery indignation in tones of unmeasured reproach. But have Southern gentlemen considered their position before the world on this question? You declare the opinion

at Slavery does not exist either in Oregon, California, or New Mexico; all these immense regions are now, and for many years have been, free from Negro Slavery. And now what do the ultra fanatics of the South ask? Sir, they avow their determination to rush into these free Territories, overturn the social systems there existing, uproot all establishments founded in and moulded by an absence of Slavery, and having thus swept away the former free systems, plant there forever the system of involuntary servitude. Sir, Southern gentlemen must say no more about the fanatics of the North endeavoring to uproot your institutions, while you imitate the example of those fanatics in your treatment of the Free Soil of this Union. Sir, there is no difference between the two cases. The fanatics of the South are but a counterpart of those of the North. If there be any difference, it is only this: The fanatic of the North has this apology—he proposes, at least in theory, to enlarge and extend the boundaries of human rights. The fanatic of the South, strangely inconsistent with the obvious tendencies of the age, seeks to extend, at one sweep, human *black* slavery over a country, new and sparsely settled, larger in extent than most of the Governments of the Old World. This does appear to my poor judgment, not merely at war with the spirit of the age, with the *better* spirit, I would say, of men in all ages; nay, more—I must be pardoned if I declare it wears the aspect of absurdity, arrogance, and temerity. Sir, I have spoken out my opinions freely, boldly, but in no spirit of unkindness to any man or any section of our common country. I know how widely different are the views of other gentlemen from mine. I know how habit, usage, time, color our thoughts, and indeed form our principles often. But I must here repeat my belief, that if we could set about this business in the spirit of those who founded this Republic, we should have no difficulty in enacting the Ordinance of 1787. Sir, it is best to repeat what they did. In 1787, they made the Constitution. In 1787, they made that celebrated Ordinance for the Northwest. Sir, this doctrine of free territory is not new; it is coeval with the Constitution, born the same year, of the same parents, and baptized in the same good old Republican church. And now, when we are about to establish these new Republics, much larger than the old, why should we not imitate their example, reënact their laws, and thus secure to this new Republic on the Pacific the glory, the prosperity, the rational progress, which have shed such lustre around that founded upon the shore of the Atlantic?

A Senator who sits before me [Mr. Fitzgerald] has with great propriety explained to the Senate the position in which he is placed on this subject, as connected with his friend, General Cass, not now a member of this body. The subject, as bearing on the opinions and prospects of both General Cass and General Taylor, has been often adverted to in this debate. While I am yet on my feet, I desire to say a word or two on this aspect of the debate.

I speak of one absent from this Chamber with every feeling of respect, and with some reluctance. It is said, and I believe truly, that General Cass has, within the last two years, entertained two opinions on this subject, the one in direct conflict with the other. In other words, he has changed his opinion respecting it. Whereas he was at *one time* in favor of extending the Ordinance of 1787 over all new territory; *now*, he denies the power of Congress to do so. Thus it follows that he would arrest all such legislation by interposing his veto. His position *at present* is fixed. But, sir, this facility in forming and changing opinions in a gentleman at his time of life, gives some hope that in the future he may not *obstinately* persevere in his error. Sir, one who on such subjects can change in the two past years his opinion, gives hopeful expectation that he may change back in the two years to come. As Major Dugald Dalgetty would say, "He will be amenable to reason." His opinion, it seems, is, that the whole subject is to be given over to the unlimited discretion of the Territorial Legislatures. As to General Taylor's position in regard to this and all like subjects of domestic policy, I here declare that if I did not consider him pledged by his published letter to Captain Allison not to interpose his veto on such subjects of legislation, he certainly could not get my vote, nor do I believe that of any Northern State.

Mr. Hannegan. I would like to be informed by the Senator from Ohio, as he has referred to General Cass's position, and as he is about to give his support to General Taylor, if he can give us General Taylor's views on the subject, and what his opinion be, as expressed in his message to Congress?

Mr. Corwin. I cannot.

Mr. Hannegan. I understand the Senator from Ohio to say, that if General Taylor would interpose a veto upon the subject, he would not vote for him under any circumstances.

Mr. Corwin. I would not; nor would any Whig in Ohio, unless indeed we found him opposed to just such another man who had a great many bad qualities beside. [A laugh.] But, sir, I have to say that I do not believe that General Taylor could get the electoral vote of a free State in America, if it were not for the belief that prevails, that upon this subject, as well as upon any other of domestic policy, where the power of Congress had been questioned by the various departments of Government, and acquiesced in by the people, he would not, through the veto power, interfere to crush the free will of the people, as expressed through both branches of Congress.

I repeat, sir, that if Congress, having the power as defined by the Supreme Court, acted on by Congress in various cases, as shown by your legislation, sanctioned in so many ways, and till now cheerfully acquiesced in by the people, should enact the Ordinance of 1787 over again, and extend it over the three Territories in question, and the man in the White House should interpose his veto, and again and again thrust his puny arm in the way of the Legislative power, and arrest for a long time the popular will, I will not say he would be impeached, tried, and (if the law were so) have his head brought to the block. Patience might in its exhaustion give way to exasperation, and the forms of law and the majesty of judicial trial all fall before the summary vengeance of an abused and insulted people.

I know very well that the Senate is weary of this debate. I wish now only to state another fact, which will show what it is which our breth-

ren of the South now demand. If you take the area of the free States, and the slave States as they exist, and compare them, you will find that the latter predominate. When the Constitution was formed, and when all the territory which you then had was brought into the Union, the free States had an excess of 100,000 square miles over the slave States; but when you had acquired Louisiana, Florida, and Texas, and added them to the Union, and when you have added the claim of the South that they will carry their slaves into Oregon, New Mexico, and California, what will then be the condition of the free States? The slave States will have one-third more power in the Senate of the United States than the free States could ever have.

Sir, if this is to be viewed at all as a question of power, what I have stated would be the exact result of yielding to the present claim of the South; and this will be the result, unless you prohibit the introduction of slavery into these territories. Sir, I have seen the working of this system. Plant thirty slaveholders among three hundred inhabitants who are not slaveholders, and they will maintain their position against the three hundred. Let one man out of fifty be a slaveholder, and he will persuade the forty-nine that it is better that the institution should exist. It is capital and social position, opposed to labor and poverty. How this war may rage in the future, I will not say; but thus far the former have ever been a match for the latter.

But, sir, I do not like this view of such a subject. If it were merely a comparison of strength or contest for relative power, I could yield without a struggle. But I am called on to lay the foundations of society over a vast extent of country. If this work is done wisely now, ages unborn shall bless us, and we shall have done in our day what experience approved and duty demanded. If this work shall be carelessly or badly done, countless millions that shall inherit that vast region will hereafter remember *our* folly as *the* curse; our names and deeds, instead of praise, shall only call forth execration and reproach. In the conflict of present opinions, I have listened patiently to all. Finding myself opposed to some with whom I have rarely ever differed before, I have doubted myself, reëxamined my conclusions, reconsidered all the arguments on either side, and I still am obliged to adhere to my first impressions, I may say, my long cherished opinions. If I part company with some *here*, whom I habitually respect, I still find with me the men of the *past*, whom the nations venerated. I stand upon the Ordinance of 1787. There the path is marked by the blood of the Revolution. I stand in company with the "men of '87," their locks wet with the mists of the Jordan over which they passed, their garments purple with the waters of the Red Sea through which they led us of old, to this land of promise. With them to point the way, however dark the *present*, Hope shines upon the future, and discerning their foot-prints in my path, I shall tread it with unfaltering trust.